S. HRG. 99-1089 VOL. 2

"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

HEARINGS

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

MAY 1, 1986
JUNE 25, 1986
JULY 16, 1986
AUGUST 12, 1986

VOLUME II

Printed for the use of the Committee on Veterans' Affairs

U.S. GOVERNMENT PRINTING OFFICE

73-391 WASHINGTON : 1987

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

5761-7

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"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

THURSDAY, MAY 1, 1986

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 11:14 a.m., in room SR-418, Russell Senate Office Building, Hon. Frank H. Murkowski (chairman of the committee) presiding.

Present: Senators Murkowski, Thurmond, Specter, Denton, Cranston, and DeConcini.

Also present: Representative Bilirakis.

OPENING STATEMENT OF CHAIRMAN MURKOWSKI

Chairman MURKOWSKI. Good morning. Welcome to the continuation of the Senate Veterans' Affairs Committee hearing on the issue of POW Prisoners of War, MIA, Missing in Action hearings.

Today we are going to be holding the fourth in the series of the hearings on the subject of live sightings. This covers reports of American servicemen still listed as missing in action in Southeast Asia.

Our ultimate goal of course remains the same, and my colleagues join me in assuring you that the purpose of these hearings is to obtain the fullest possible accounting of Americans missing as a result of the Vietnam War.

In January of this year I had the opportunity to lead a mission to Vietnam with my colleagues Senator DeConcini who is on his way to the hearing this morning, as well as Representative Michael Bilirakis who is with us here, and Representative Bob McEwen who will be with us shortly.

I might add that we have just concluded a closed session of the hearing that began at 8:30 this morning. It was held over in the intelligence facility which has a classified capability.

Both Senator DeConcini, Representative Bilirakis and Representative McEwen were over there at that time, and Senator Arlen Specter. So they will be joining us very briefly, but in the interest of time I wanted to start the opening statement.

As I indicated I led along with the gentlemen I mentioned, the congressional delegation mission, it was a bipartisan mission to Southeast Asia, representatives of both the Senate and the House being on that mission.

We met with the foreign ministers in both Laos and Vietnam. The humanitarian aspects of this issue were stressed by our delegation and was certainly reiterated by our host.

As a consequence I think we were all disappointed when the Vietnamese reacted to the action taken by our administration in Libya a short time ago. The Vietnamese announced that they intended to suspend the continuation of the technical talks which have proved so helpful in our efforts to gain progress and hopefully a resolution on the issue of MIA/POWs.

As a consequence, in order to attempt to evaluate the matter and the necessity of keeping the lines of communication open, I travelled to New York on Monday, and met with Vietnam's permanent representative to the United Nations, Ambassador Nhat to once again express my concern that the POW/MIA issue should remain free from whatever political strains might exist between our respective nations.

We had a talk that lasted some two hours. It was a very informative one. I think it was very substantial. The Ambassador, this is the Vietnamese Ambassador to the United Nations, their mission, confirmed that his country has made a commitment to resolve the MIA issue and indicated that technical talks which were to be held in Hanoi this month will be rescheduled to take place in what he termed the very near future.

The Ambassador also expressed his government's position that the U.S. and Vietnam should enter into bilateral agreement to reflect the commitment and responsibilities of both nations to obtain the fullest possible accounting within the two-year time frame.

The Ambassador indicated that all matters to be contained in any proposed agreement would be negotiable, and in my capacity as chairman of this committee and also the chairman of the subcommittee on East Asian and Pacific Affairs in the Foreign Relations Committee, I intend to use these positions to pursue the matter of bilateral agreement memorandum of understanding with our State Department and our ASEAN allies.

I think it is our obligation to proceed with anything that will assist in obtaining the fullest possible accounting of American servicemen still unaccounted for in Southeast Asia as well as whatever written commitments to investigate live sightings reports. These should not be dismissed out of hand by any means.

I intend to receive clarification from the Administration on these matters. The Vietnamese Ambassador to the United Nations and I also discussed Vietnam's view of the live sighting issue, could Americans still be living in Vietnam with or without the knowledge of the Vietnamese.

The Ambassador reiterated what Vietnam Foreign Minister Thach told us in January. That there were no Americans being held against their will by the Vietnamese Government.

Ambassador Nhat did offer, however, to fully investigate live sighting reports submitted to them by our Government at any time. So we are today continuing the hearing, taking testimony relative to the possibility and the position of our government that Americans are still living in Southeast Asia being held in some capacity.

We will continue to maintain that conviction until we have evidence to prove otherwise. During the first two days of testimony, the Committee heard from a number of individuals who purported to have varying degrees of evidence or information which have led them to believe that Americans are in fact being held captive in Southeast Asia.

We have subsequently heard from Administration officials who have offered their expert views on the issue, and we have addressed many of their assertions and allegations made before this Committee.

We continue this, this morning in closed session. We had this morning Lieutenant General Leonard Perroots, Major General William Moore, and Major General Kenneth Leuer offering their comments relative to the stories and the allegations and other comments told by various witnesses including Major Mark Smith, Sergeant First Class Melvin McIntire and Lieutenant Colonel Robert Howard.

As I have stated before, the purpose of these hearings is to provide those who may have information or evidence on these matters an opportunity, an open forum to come forward and offer this information to Congress.

To date, however, the Committee has received no information nor current evidence which is said to exist which would allow us to state without reservations that Americans are being held against their will in Vietnam, or Laos.

The Cambodian issue obviously is a different matter because we do not have any direct communique. There is a state of war on with that country.

Now, we have asked the officials within our Government who are charged with the responsibility of tracking this issue what type of evidence or information would be most helpful in determining whether there are people still held in captivity.

As you would obviously expect, the most compelling evidence would seem to be in the form of photographic material. Well, we have had as a matter of public record testimony under oath that they have, various people have said they have in their possession photographs some of which are supposed to depict Americans in captivity since the end of our involvement in Southeast Asia.

We had one witness, Lieutenant Colonel Howard who stated that he at one point had such photographs. Major Smith and Sergeant McIntire stated that they have such evidence in their possession or can obtain it, and further stated under oath that they would provide it to the Committee. So far they have not done so.

My chief counsel has telephoned and I have sent two additional letters to Major Smith and Sergeant McIntire through their attorney requesting this information, but as yet we have not had a response.

I have invited them again to return to Washington and come before the Committee in order that we may proceed on this matter in more detail. To date I have not received a response.

This morning I am prepared to ask our Committee to exercise its powers of subpoena that would require Major Smith and Sergeant McIntire to appear before the Committee at our next scheduled hearing, May 15th, and that at that time they provided the Commit-

tee with all the documentation and evidence that they may have in their possession relative to the POW/MIA issue.

We will proceed along those lines as soon as we have the number of members present necessary to constitute a quorum and initiate the approval of the subpoena.

It has also come to my attention that Major Smith's principal contact and source of information is an individual who goes by the name of John Obassy, and that this individual has been jailed and is awaiting trial in Singapore on fraud charges.

On April 19th, Major Smith contacted U.S. Government officials and asked for some $52,000 to post bail for Mr. Obassy. Further,the same individual is implicated in a scheme to extract over $4 million from the United States Government for information about alleged POWs as well as other very serious violations of U.S. and international law.

Well, this conduct is outrageous and can only serve to undermine the legitimate efforts of our Government, of private organizations and citizens to get at the truth. I must stress that my intention is not to discredit anyone, but I will not stand by and allow this committee or my colleagues or the American public to be used or misled on an issue as important and as humanitarian as this.

Just as I pledge to act appropriately should this Committee receive irrefutable evidence as to the current existence of American prisoners in Southeast Asia, and we certainly hope that comes about, so too will I take strong action if in the minds collectively of my colleagues and myself, we determine that misinformation is purposely being provided during these proceedings.

We will proceed in this open session, and our first witness is the Honorable Everett Alvarez, Deputy Administrator of the Veterans' Affairs of the Veterans' Administration, and the first American to be taken prisoner and the longest held prisoner of war during the Vietnam War.

Before I do that I want to call on my colleagues for opening statements. On the other hand if any of you have to leave, I would request that you respond to the suggestion in my opening statement that we proceed with subpoena authorization.

It is strictly up to your time schedules, gentlemen, and if you want to proceed with opening statements or go into a business session and take advantage of the fact that we have a working quorum.

Senator CRANSTON. I think we should do that. So I would be glad to move that we proceed with the subpoenas that the Chairman has recommended.

Chairman MURKOWSKI. Senator Alan Cranston, the Ranking Minority Member has made the motion that we proceed with the subpoena procedure. Any further discussion?

Senator DECONCINI. Mr. Chairman, I have no problem with proceeding. I would like to add to the subpoena list, Mr. Richard Childress.

I know we are scheduled to have an informal hearing with Mr. Childress, and we may not need to issue a subpoena, but as long as we are voting on issuing a subpoena, I would like to have the authority to include Mr. Childress in it. If we are satisfied at the informal session, then we do not have to issue a subpoena for him.

Chairman MURKOWSKI. Is there any objection to adding the name of Mr. Richard Childress?

Mr. BILIRAKIS. Mr. Chairman, no objection. I assume our subpoena is going to include materials in the case that have been mentioned.

Chairman MURKOWSKI. I think it would be appropriate if I read specifically the subpoena, and you may have additional recommendations.

This action of course has become necessary because of the unwillingness of the gentlemen to respond to the invitation to appear before the Committee.

This Committee is empowered with the right to subpoena in accordance with Rule No. 26 of the Standing Rules of the United States Senate, and it may be issued with a majority of the members of the Committee vote to do so.

It has been moved by Senator Cranston that the Committee vote to issue a subpoena to Major Mark Smith and Sergeant Melvin McIntire, and we have had an inclusion from Senator DeConcini that Richard Childress also be included in that. Is there any further discussion?

Senator CRANSTON. I would like to note for the record, Mr. Chairman, that the Senate legal counsel has advised that the presence of four senators when we issue the subpoena is adequate.

Chairman MURKOWSKI. Thank you. I would request that the roll be called.

The CLERK. Mr. Simpson?
Chairman MURKOWSKI. Aye by proxy.
The CLERK. Mr. Thurmond?
Chairman MURKOWSKI. Aye by proxy.
The CLERK. Mr. Stafford?
Chairman MURKOWSKI. Aye by proxy.
The CLERK. Mr. Specter?
Chairman MURKOWSKI. Aye by proxy.
The CLERK. Mr. Denton?
Senator DENTON. Aye.
Chairman MURKOWSKI. Mr. Denton present.
Senator DENTON. Aye.
The CLERK. Mr. Boschwitz?
Chairman MURKOWSKI. Mr. Boschwitz, we have——
(No response.)
The CLERK. Mr. Cranston?
Chairman MURKOWSKI. Mr. Cranston.
Senator CRANSTON. Aye.
The CLERK. Mr. Matsunaga?
Senator CRANSTON. Aye by proxy.
The CLERK. Mr. DeConcini?
Senator DECONCINI. Aye.
The CLERK. Mr. Mitchell?
Senator CRANSTON. Aye by proxy.
The CLERK. Mr. Rockefeller?
(No response.)
Chairman MURKOWSKI. Aye.
Would the Clerk, please tally?

The CLERK. By a vote of 10 ayes, the motion for the subpoena is carried.

Chairman MURKOWSKI. I would respectfully ask my colleagues to allow the record to remain open for the balance of the business day for those that have not voted to cast their votes.

I might add that we have given, we will give Mr. Childress the opportunity to testify before issuing the subpoena, but we have the authority to do so.

I think that action is sufficient, gentlemen, to proceed with the opening statements.

Senator Cranston, good morning. It is a pleasure to have you with us and again congratulations on the award last evening by the Paralyzed American Veterans and the Vietnam Veterans.

It was an extraordinary tribute to your continuing contributions to the veterans of this country, and we look forward to viewing that lovely portrait in your office. It is really not only a good likeness, but it does you well.

OPENING STATEMENT OF SENATOR CRANSTON

Senator CRANSTON. Thank you, Frank. Thank you very much for those remarks and thank you for your presence and your very, very generous remarks last night which I deeply appreciate. Thank you for your leadership in this Committee and your leadership in the matter we are coping with at the present time.

I want to just briefly say that I am pleased to join once again with our Chairman and the other members of our Committee as we continue to take testimony on this very difficult, very emotional issue of whether there are live Americans remaining in Southeast Asia.

Although I have still not come to any final conclusion in my own mind as to whether there are American citizens remaining in Southeast Asia against their will, I am certainly not persuaded that we know that there are none.

Our hearings I believe have demonstrated that over the years our Government could have and should have done more to resolve the many issues involved. Indeed, despite goodwill and intentions among those at the highest levels in the current Administration and despite some recent increased efforts, I am not yet convinced that all that can or should be done is being done at present.

I am also deeply troubled as I know many of my colleagues are by the diametrically opposed versions of various events that have been presented to the Committee by witnesses testifying under oath.

I fully support the Chairman's efforts to try to get to the bottom of these contradictions. Finally, I wanted to note today the presence here of Everett Alvarez, the Deputy Administrator of Veterans' Affairs of the Veterans' Administration.

Everett served in that capacity for the past four years. He has been the voice of continuity and the hand of steady leadership at the VA.

As a fellow Californian, Ev, I want to congratulate you for your distinguished work at the VA and before that at the Peace Corps.

Next week will be your last at the VA; I regret that, and we all will miss you. We wish you great success in your future endeavors.

Mr. ALVAREZ. Thank you, sir.

Senator CRANSTON. Thank you.

Chairman MURKOWSKI. Thank you very much, Senator Cranston. Representative Bilirakis, would you please proceed with your statement?

OPENING STATEMENT OF REPRESENTATIVE BILIRAKIS

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Chairman MURKOWSKI. I want to compliment you for the role that you have played in these hearings. It has been I think most. significant in the development of our record.

Mr. BILIRAKIS. Thank you, sir.

I want to reiterate my deep appreciation to you, Mr. Chairman, and the other members of this Committee for the continuing opportunity to participate in these Senate hearings on one of the most pressing issues facing the nation, the issue of American prisoners and missing in Southeast Asia.

I am very grateful to you for providing this forum so that those who feel our Government is not doing enough to bring American POWs home can share their information with the Congress and the American people.

Likewise those in Government charged with the responsibility for resolving the issue are being given a chance to respond to allegations that have been made against them.

To be sure we have heard markedly opposed accounts from those who have appeared before us, and we have been forced to grapple with some tough decisions in our own minds about what is truth and what is not.

I am cautiously hopeful that today's hearing and that on the 15th will serve to clarify rather than cloud this crucial distinction because that is really what this has all been about. What is the reality of U.S. efforts on behalf of our POWs and MIAs? What is the truth?

Becoming involved in the POW/MIA issue has been compared to wading into deep and murky waters, and I think that is an appropriate metaphor.

Nevertheless, it is an essential task and frustrating though it can be, I am glad that I waded in. I am certainly looking forward to hearing from Ev Alvarez with whom I have had the pleasure of working as a member of the House Committee on Veterans' Affairs.

I know his perspective will be a valuable one in terms of our understanding of the Vietnamese Government's mindset.

I am also very pleased that Lieutenant Colonel Paul Mather has flown in from Bangkok to answer the many questions we have for him. I believe his testimony will be of tremendous importance.

Sergeant Major Dennis, thank you also for making yourself available to the Committee here today.

Mr. Chairman, let me just close my remarks by reminding all of us that we must not lose sight of our goal in the midst of the controversy that surrounds some of the testimony that we have heard.

Our goal is securing the release of American POWs and repatriating the remains of those who died on foreign soil. This must be, must be the first order of business on all of our agendas.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, Representative Bilirakis.

Senator Denton, do you have a statement that you would care to make? We would certainly appreciate hearing your views on the progress of our efforts collectively in proceeding with the examination of evidence on the live sightings and your testimony would be, I think, particularly appropriate in view of the time you spent as a prisoner of war in Vietnam.

So we welcome you this morning and look forward to your opening statement, sir.

OPENING STATEMENT OF SENATOR DENTON

Senator DENTON. Thank you, Mr. Chairman. I would have liked to have been at all of this, but I will not be able to stay. My interest should not be derived from how much I am able to attend this hearing.

I have got a Judiciary Committee Exec. in which I have a number of matters I have no choice about addressing. Also I have an Armed Services Subcommittee meeting which I must drop by.

I do hear a great deal and concern myself over time intensely with this issue. It is my pleasure to join with you in the fourth of a series of Veterans' Affairs Committee hearings on this subject of MIA/POWs.

I welcome again my friend, Honorable Everett Alvarez. I am sorry I was away the other day when you came Ev. We will get together.

In addition, I would like to commend you, Mr. Chairman, and your fine staff for the untiring and faithful efforts toward the satisfactory completion of these hearings.

The Committee has had excellent witnesses testify on the issue. Their testimony has been complemented with classified testimony during closed hearings. My hope is that through our measured steps progress can be achieved.

I spent all of last Saturday and Sunday a week ago on this issue on the telephone and with different people. We are, as each of you has stated, sort of plodding along in a difficult situation as to what is fact and what is not.

Neither sensationalism nor the spread of rumors add to the credibility of these hearings, and we must endeavor, as the Chairman has, to refrain from that temptation.

No other subject in recent memory has sparked more fervent emotionalism than the POW/MIA issue, and it is not only understandable, but to be expected. That there is even the slightest possibility that American servicemen may still be alive in Vietnam is enough to give even the most dispassionate of Americans a cause for concern.

In an attempt to sift through the massive information, the Congress has established commissions to study the MIA/POW issue.

These have gone on for a number of years, and date back a long time.

My wife was involved in clandestine activity on this issue during the late sixties. Senators and Representatives have taken an active and personal interest as have my two colleagues in particular Chairman Murkowski and Senator DeConcini.

Many others on the House side and on the Senate side should be commended. I arrived over there in an era after Ev. I was deeply touched by some of the inscriptions that he had carved in a yard that I was permitted to play in or exercise in the first time I got any exercise.

All of us had deep respect for him as the longest held military prisoner, and I am glad we have him here as a witness today.

I believe that the Communist government has characteristics that convince me that we should strive for enough knowledge to permit the United States to rally with one bipartisan voice articulated through a single authoritative conduit to seek a resolution of the issue with the Vietnamese and Laotian Government.

That conduit in my view should and must be the President of the United States. That does not mean we cannot have people helping him in the Administration, or that we should not expect that occasionally we will have those who will criticize and perhaps augment what the President and the Administration are able to do.

I do believe in general that the President has filed an appropriate and effective policy, and I support him as I feel a momentum to do so from having supported those who were President when Ev and I were indisposed.

Although I believe that the President has followed an appropriate and effective policy, I acknowledge that there are limitations to the success of that policy. The policy can be improved, and our efforts can be improved, but I say that the key to improvement and to the success depends upon sorting out knowledge from fact and improving solidarity and bipartisanship in terms of the spirit with which we approach this.

I believe that the individuals in the Administration who have been charged with the day to day responsibility for pursuing the issue have done so with effectiveness, devotion, and integrity, perhaps without error. It is wrong, however, to vent frustration at the lack of a final resolution of a difficult issue upon them in ways that sometimes are personal, vindictive, and unfair.

We should do everything we reasonably can to resolve the question of whether or not there are Americans held against their will in Southeast Asia, and indeed to account for all missing Americans.

My hopes and prayers are with the families of MIAs. They desire our best effort for a speedy and effective resolution of the questions surrounding the fates of their loved ones.

The task force directed by General Tighe might be a step in the right direction. I regard it as such.

As a result of my experiences a couple of weekends ago I am more convinced that we can improve our efforts. I cannot elaborate on that at this time, but I believe we can improve our efforts.

I thank you, Mr. Chairman, for permitting me to make a statement.

Chairman MURKOWSKI. Thank you very much, Senator Denton. We appreciate your views and obviously you have had an extraordinary experience that few Americans have had.

I think it particularly appropriate that your input be a major part of the evaluation this forum. I want to introduce my colleague at this time, Senator DeConcini, who has been instrumental in the development of the hearing process, and who made the trip with me and Representative Bilirakis and Representative McEwen to Southeast Asia.

We look forward at this time to your statement, Senator, and ask that you proceed.

Senator DECONCINI. Thank you, Mr. Chairman.

OPENING STATEMENT OF SENATOR DeCONCINI

Senator DECONCINI. Thank you, Mr. Chairman, very much. Let me first welcome Mr. Alvarez and indicate that I understand that he will be leaving the Veterans' Administration shortly.

I do not think that anyone has done a finer job, and my compliments to you. You have been very dedicated and a pleasure to work with.

Just for the record I would like to compliment Senator Cranston on the fine portrait of him which was unveiled by the Paralyzed Veterans organization last evening for longstanding work that Senator Cranston has given to the veterans of this country.

Mr. Chairman, in relation to these hearings I want to compliment you and the staff for pursuing this effort. I know we have had some stop and goes due to scheduling and witness availability, but you have certainly met every expectation that this Senator has had in pursuing this issue as far as we have to pursue it.

Indeed I make no apologies for what we have done as a Committee. I know we have prevailed upon and taken a great deal of time both of the staff, of the Senate to some extent, and of the Defense Intelligence Agency, the Army, and the other organizations that have all had to supply us information.

I did not ask for these hearings. It came upon us as a result of the trip that Chairman Murkowski headed to Vietnam, and I think we have a historic obligation now to pursue this to the fullest extent.

I think we are on that road, and I intend to pursue it, along with the Chairman and others, until we are satisfied that we have no further evidence that can be brought before this Committee.

I myself believe there are Americans being held captive in Vietnam. That really is not the issue that is before us here. The issue, as I see, it is whether or not the information has been brought forward to attempt to substantiate that there are live Americans there, and whether or not that information can be substantiated.

As of this moment we do not have that substantiation. It is a challenge to those who want us to proceed to come forward with the information that they continue to say that they have.

I believe the statements that have been made this far. I have some doubts about the credibility of a number of witnesses, but I believe that their statements were made with sincerity and that

they believe information was gathered and was turned over to somebody.

We need that information, and it is my plea that the subpoenas we issue today will bring this forward so we can resolve, once and for, whether the charges and the testimony that have been given thus far can or cannot be substantiated.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much for those remarks and I think that you have certainly echoed the attitude of the Committee with regard to our objective and the fact that we are determined to commit the time to resolve the issue from the standpoint of pursuing whatever is out there and making sure of it.

Senator DECONCINI. Mr. Chairman, if you would yield. I left one thing out.

Chairman MURKOWSKI. Please proceed.

Senator DECONCINI. I did want to compliment General Perroots in initiating—I think, this Committee may have had something to do with it—the task force headed by General Tighe.

I think that was significant. General Tighe was on Public Television not too long ago quite critical of the Defense Intelligence Agency.

He now has an opportunity to have free hand, according to General Perroots, to pursue all of this information. I welcome that, and I have complimented General Perroots for initiating that and pursuing it because that is important not only us as a Committee, but to the public because General Tighe has been very outspoken, has a wealth of knowledge about it, and I look forward to his observations and the conclusions of the task force.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, Senator DeConcini. We have with us a member of the Committee who has been very helpful and instrumental in the development of this hearing process, Senator Arlen Specter from Pennsylvania. Good morning, Senator.

Senator SPECTER. Thank you, Mr. Chairman.

Chairman MURKOWSKI. We would appreciate your statement.

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. I shall be brief. I commend you, Mr. Chairman, and the others who have worked so diligently on this issue.

I think it is a matter of utmost importance that we get to the bottom of the facts to make a determination whether there are those missing in action still alive.

The task force which has been commissioned by the Department of Defense is a good staff, but the United States Senate committee, Veterans' Committee through which use of the subpoena power has enormous power above and beyond what any other investigation can do.

Investigators can pursue witnesses and pursue leads, but where you have a subpoena, that is a forceful procedure for compelling people to come forward to testify under oath.

Having been a party to many, many investigations, some,most without the subpoena and some with the subpoena, I can personal-

ly say that when you have the subpoena power you have a tool of enormous power.

When that is combined with the United States Senate committee such as this Committee, we have the mechanism to get to the bottom of the matter.

You, Mr. Chairman, have been diligent as has been Senator DeConcini as have others in pursuing this matter. You have my support for the subpoena. You have my support for this matter, and we are going to find out exactly what the facts are and get to the bottom of it.

Chairman MURKOWSKI. Thank you very much, Senator Specter. I gather from your remarks then, having the choice you would rather operate under the subpoena than without on an investigative matter.

Senator SPECTER. Absolutely.

Chairman MURKOWSKI. Thank you. We have had a vote in the House so Representative Bilirakis has excused himself. He will be rejoining us, and Representative Bob McEwen will be coming in as well.

As a consequence of our current time availability it is appropriate that we now call on our first witness, Mr. Alvarez who comes as no stranger to this Committee as the Deputy Administrator of the Veterans' Administration.

However, this is the first opportunity that we have had to have you come as a private citizen, and it is my understanding that this is the vein under which your testimony will given, not as Deputy Administrator of the Veterans' Administration which you have resigned from, but are still active for a few more weeks, but in the vein of a citizen who is very much a part of this issue having been the longest held prisoner of war in Vietnam.

We look forward to your testimony as a private citizen on the issue of live sightings in Southeast Asia, and more particularly your general oversight on the issue as a whole. .

Please proceed, Mr. Alvarez. We are most appreciative that you are with us.

STATEMENT OF EVERETT ALVAREZ, JR., DEPUTY ADMINISTRATOR OF VETERANS' AFFAIRS, VETERANS' ADMINISTRATION

Mr. ALVAREZ. Thank you, Mr. Chairman, and other members of the Committee. I welcome this opportunity to appear before you this morning. As you indicated, I was the very first American aviator shot down over North Vietnam, and I was held captive for eight and one-half years. I am also a retired Navy commander with 20 years of Naval service.

Since my retirement in 1980 I have served for one and a half years as the Deputy Director of the Peace Corps, and the last four years as Deputy Administrator of Veterans' Affairs.

Both these positions are Presidential appointments requiring Senate confirmation, but as you indicate today, I appear before this Committee as a private citizen to discuss my POW experience.

On August 5, 1964 I was shot down over North Vietnam, and that was during the Tonkin Gulf incident when President Johnson

ordered punitive air strikes against North Vietnamese torpedo boat bases.

Captured almost immediately by local militia forces, I was initially held in a local jail in the town of Hon Gai which is north of Haiphong. A week later I was transferred to Hanoi and placed in the Hoa Lo prison which later became known as the Hanoi Hilton.

I remained by myself in that prison until February of 1965 when air strikes against North Vietnam resumed and other air crews were captured. For the first year the North Vietnamese kept us separated, the few of us that were there at the time.

However, in September of 1965, the North Vietnamese began to open up a series of camps in and around Hanoi. These camps were of the maximum security type.

When possible they would keep us in solitary confinement. However, when space prevented this, our captives began to double us up two or even three men per cell.

From the end of 1965 until 1969, we lived under the harshest conditions. We were kept in small cramped cells with no windows and with little ventilation. We were let out of our cells five to 10 minutes per day, at the most, to dump our waste buckets and to wash ourselves. We were fed a very meager diet. We were often brutally mistreated physically. Our conditions during those years can be described at best as inhumane.

There were at the most six or seven camps operating at one time during that period.

Some of these camps the North Vietnamese kept in operation throughout most of the war. Other camps would be used for short periods of time such as the camp at Son Tay.

The North Vietnamese started placing POWs in this camp during the summer of 1970, then moved all of these men out about two weeks before the raid on that camp.

The North Vietnamese frequently moved a number of us from one camp to another. It was through this movement, this intercamp movement, that we knew who was in the camps or who had been in the camps.

I should point out that when I speak of POWs in the camp, I am referring solely to flight crew members shot down. With few exceptions North Vietnamese kept only air crews in our camps.

These are men that we then had the ability to track. As far as I know, every pilot that made it into one of these camps at one time or another during the war can be accounted for.

All of these men came home alive or their remains were later returned. Over the years we were aware that there were aviators who had been shot down and captured, but they never made it into our camps.

At times we heard tapes made by these men or saw photographs of them. We have no way of knowing... I have no way of knowing, what became of them.

Often a pilot would be shot down a long distance from Hanoi, and it would take several weeks, even months, for him to be transported to our camp. More than one pilot related how he had made contact with another aviator while he was temporarily held in some village.

In most cases the person contacted was wounded. The contact would be brief, and then the person relating the story would soon be moved eventually arriving at our camps. Today many of these contacts are listed as discrepancy cases for neither the person nor his remains have been returned.

Occasionally a POW would disappear from the camp. Over the years a man would be removed from the camp either because he was extremely ill or in poor physical condition from physical mistreatment. Generally the person was extremely ill as a result of mistreatment.

In most cases these men were never seen again alive. In one instance, however, two individuals that had been taken away for illness did reappear in late 1972.

We learned that they had been kept in a makeshift hospital and eventually their health recovered to the point where they could be reunited with us. These are the only two I knew who made it back to the group after a long absence.

We also were aware that those who had been captured in Hue in South Vietanm during the Tet Offensive in 1968 were brought up North, but they were kept separate from us.

The end of 1969 marked the beginning of improved conditions for the POWs. Over the next three years there was a gradual improvement in our treatment, in our living conditions: a better diet both in quality and quantity, living in larger groups, recreation time, occasional correspondence from home and so forth.

By the latter half of 1972, we were living under what we would normally envision as model POW conditions. The question arises as to why these conditions improved.

I feel that there were two primary reasons. One, the North Vietnamese by this time realized that a POW release would eventually be a part of any negotiative settlement to the Vietnam conflict. Talks had been going on in Paris since 1968.

Two, efforts on behalf of the families of the POWs began to emerge and have an impact on public opinion both at home and abroad, especially after 1970.

Except for a brief period of time in 1967 and 1968 the Vietnamese had always expressed a serious concern about world public opinion.

I was among the first group released from North Vietnam on February 12, 1973 and returned to the United States. I am often asked if I feel that there are POWs still alive in Southeast Asia. I do not know.

It certainly is possible that American servicemen could still be held against their will. I feel that given the right conditions, basic food and a fair chance to sustain basic health, a person can survive indefinitely. However, I have no basis to speculate on anything else.

When we returned to the United States, we formed a NAM POWs organization, a group of former POWs held captive in Southeast Asia.

As a member of the board of directors of the NAM POWs, my positions and the Nam POWs position, is supportive of the President's position. From what I know, information available precludes ruling out the possibility that Americans are still being detained

against their will, and actions to investigate live sightings reports should receive the necessary priority and resources based on the assumption that at least some Americans are still held captive. This has been the official Government policy since 1982.

Mr. Chairman, I also feel that the high level talks between our Government and Hanoi's officials need to continue.

In my opinion this is the only forum that can lead to a resolution of the issue. Somehow this issue must be resolved.

The agony of uncertainty has lasted too long for so many families of the MIAs. We are seeing some progress as a result of the high level negotiations, but I know it is painfully slow.

Thank you for the opportunity to appear before you. I will be happy to answer any questions you may have.

Chairman MURKOWSKI. Thank you very much, Mr. Alvarez. I very much appreciate your insight, your particular understanding of this issue as a prisoner of war for eight years in Vietnam.

I am wondering, you indicated that in the camps in Vietnam, that flight crews were the only ones that were brought into those camps. Any other prisoners of war who had fallen victim to capture were some place else. Is that right?

Was that a policy? Do you know of any reason why they did not mix prisoners of war?

Mr. ALVAREZ. That is correct generally. With the exception of four individuals, all of the people that were in our camps were flight crewmen that were shot down either in North Vietnam or in Laos, and some in South Vietnam early in the war.

Three of these exceptions were a South Vietnamese officer and two Thai officers that they kept in our camps at all times.

There was another individual, a seaman, that fell off one of our ships in the Tonkin Gulf. He was eventually brought into our group. This individual was one of the early releases that came out, I believe in 1970.

Chairman MURKOWSKI. To your knowledge where were the other camps where they held those other than airmen or flight crews?

Mr. ALVAREZ. I do not know where the other camps were personally. I do know that when they would move all of our people out of a camp, for example a camp we call the Briar Patch, and another one at Son Tay or near there, they would then use those camps for other people. The POWs that they brought up from the South I felt were using some of the camps that we had then vacated.

However, we never mingled with the other POWs. We never mixed. We never made direct contact with these people.

Chairman MURKOWSKI. But through your professional commitment of prisoner evaluation and accountability are you generally satisfied or do you have any opinion as to the thoroughness of the release of those that were being held in the other camps, the non-flight crew types.

Do you have any—you indicated quite emphatically that the flight crews, every pilot as far as you know could be accounted for. Do you have any knowledge as to those that were in the other camps with regard to the discrepancy that would lead us to believe that there are Americans still being held in Vietnam?

Mr. ALVAREZ. Mr. Chairman, I could not speak for those that were held in the other camps apart from the camps that they held

the flight crews in. I do not know how thorough and how good their tracking system was, how well they could account for individuals that came into those camps.

Chairman MURKOWSKI. Now, most of the flight crews that came in were as a result of aircraft shot down in Vietnam, but you indicated a few minutes ago that there were some that came in from Laos.

Do you have reason to believe that in Laos there were camps there that were holding flight crews?

Mr. ALVAREZ. We were aware at the time that there were reports of people being held in Laos. This was information that we gathered from those that were shot down. However, the only ones that I can account for, that we can account for, are those people who were actually shot down in Laos and actually made it into our camps in and around Hanoi in North Vietnam.

Chairman MURKOWSKI. Did you have any prisoners that were held within your camps that were shot down in Kampuchea, Cambodia?

Mr. ALVAREZ. I cannot recall anybody who was in one of our camps that was shot down in Cambodia.

Chairman MURKOWSKI. Well, is it not quite likely that there may have been a number of aircraft that went down or crews that went down in Cambodia?

Mr. ALVAREZ. It is likely. I do not know exactly where they went down. Most of the people that I talked to or that I knew were people who had been shot down either in Laos, North Vietnam or in South Vietnam.

Chairman MURKOWSKI. All right, and you have no speculation on the situation with regard to Cambodia because the confusion is still in the sense that we really do not have access to a legitimate government there that can address the issue.

Mr. ALVAREZ. Mr. Chairman, I could not speculate on that.

Chairman MURKOWSKI. Can you give us any view of your analysis of a prisoner that would be held today after 13 years? That is a long time.

Now you were there eight years and you survived, and others survived for a long period of time. You indicated under reasonable medical care and food, but with the availability by various countries that have a relationship, a formal recognized relationship with Vietnam—ambassadors from France, Italy and others—is it your opinion that it is unlikely that they could be undetected for a period of time?

Do you have any understanding as to what would motivate the Vietnamese Government to hold prisoners beyond the time in which the successful negotiations to end the conflict and the prisoner issue and exchange was negotiated?

Mr. ALVAREZ. Mr. Chairman, again, I think that physically speaking, given the basic elements necessary for survival, a person can maintain his physical health and his mental health for an indefinite period of time.

As to why the Vietnamese would hold anyone for such a long period of time, I could not speculate. One thing that I am aware, and we were all very much aware at the time, is their high regard for world public opinion.

Except for a very short period of time when they seemed to disregard it world public opinion was always something that was very important to them. I do not see how world public opinion would be favorable now if the government in North Vietnam continued to hold people for some reason.

However, anything is possible and certainly in terms of a person being there held against his will, as long as he had the basic physical conditions and basic diet, he could exit indefinitely.

Chairman MURKOWSKI. Well, you have obviously reflected on what the motivation of the Vietnamese Government might be if indeed they are holding prisoners against their will.

I gather your conclusion is that you do cannot come up with a possible motivation.

Mr. ALVAREZ. I cannot come up with any possible motivation.

Chairman MURKOWSKI. The comment was made to Senator DeConcini and myself when we were there by Foreign Minister Thach when asked the question quite specifically they were holding various Americans against their will.

He indicated emphatically no. We have returned all your pilots, I think is what he said. Why would we keep your important people implying that the pilots were the important people.

Can you give an evaluation of that kind of a mentality in the sense of his response to us?

Mr. ALVAREZ. Well, I think one of the reasons why they kept us separate and apart from other groups is they recognized the pilots high level of training, and advanced levels of education.

We were primarily all officers, with few exceptions. I suspect that that may be the only reason why they would want to classify them in any manner as to importance. Other than that I could not begin to speculate.

Chairman MURKOWSKI. During your eight years as a prisoner of war did you have any knowledge of any Americans who may have defected?

Mr. ALVAREZ. At times during the 8½ years we would hear some tapings over the camp speakers of people "that had come over to the people's side".

At times by a couple of individuals who were captured in South Vietnam. Whether or not those were forced statements or voluntary statements, I have no way of knowing.

I know that one of the common goals of their physical mistreatment was to obtain statements from ourselves. So we really had to, you know, view those statements with suspicion and lack of credibility.

Chairman MURKOWSKI. But none of the people in your camp ever defected?

Mr. ALVAREZ. No, sir.

Chairman MURKOWSKI. And you have no knowledge of any prisoners that may have defected or left the military or involved in any operation, collaboration of any kind?

Mr. ALVAREZ. I personally knew of no individuals who actually defected to the Vietnamese side.

Chairman MURKOWSKI. There have been of course a few defectors. Let me ask you a professional question based on your tenure

as an officer. Do you believe that this country should offer amnesty?

It is my understanding that the French have for some time offered amnesty from the French-Indochina War. That the year before last a Frenchman returned to France I guess basically to die after some 38, 39 years, amnesty was offered.

The United States does not offer amnesty. Hence, if there are any defectors there of their own free will, there would be a reluctance to return to the United States because they would be charged as deserters.

Mr. ALVAREZ. Of my own personal opinion I would not favor an amnesty to those who willingly, voluntarily deserted, if there are any.

Chairman MURKOWSKI. Thank you. I have a few more questions, but I think I will defer to my colleagues.

Senator DeConcini?

Senator DECONCINI. Mr. Chairman, I do not have any questions of Mr. Alvarez. I appreciate his service to this country far more than I can express here today—past and present—both in the military and in the past as Deputy Administrator of the VA.

I say thank you from the people I represent in Arizona.

Chairman MURKOWSKI. Thank you very much, Senator DeConcini.

We have been joined by our Senior Member on the Committee, Senator Strom Thurmond. Senator Thurmond of course is President Pro Tem of the United States, and we certainly appreciate your presence here today as we pursue the matter of live sightings of Americans in Southeast Asia.

OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Thank you very much, Mr. Chairman. I want to commend you for your outstanding leadership in this matter, and I think it is very important. I do hope that evidence can be obtained to get the truth and all the facts about this.

There is no debt America owes to people more than to those who were captured as prisoners of war, and they have suffered hardships and hunger and violence, and have been injured in many ways. We appreciate all the cooperation we can get, and we thank the witness today.

I know he has suffered. I believe you were a POW over eight years were you not?

Mr. ALVAREZ. Yes, sir.

Senator THURMOND. Probably longer than any other prisoner were you not?

Mr. ALVAREZ. I would like to correct a statement made earlier. There was a fellow I know who was captured in South Vietnam four months before I was shot down over North Vietnam.

If we are going to give credit to anyone for that kind of a notoriety, I think it rightfully should go to Col. James Thompson who lives in Florida now. I was the first one shot down in North Vietnam, and I was there eight and a half years.

Senator THURMOND. Well, you understand what these people have gone through. You know the suffering that they have under-

taken over there, and anything we can do to help of course we want to do it. I am sure you will cooperate in every way you can.

Mr. ALVAREZ. Thank you.

Senator THURMOND. Thank you.

Chairman MURKOWSKI. Thank you very much, Senator Thurmond.

Representative Mike Bilirakis of Florida has just come back from a vote in the House. We have several questions, but please proceed with anything that you feel inclined to do.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I looked forward so much to hearing the testimony from Everett because he is a great American and has proven it in so very many ways including as we have already said so many years working for the Veterans' Administration, but Panama Canal Reauthorizations had called.

Anyhow, Everett, I do not know if this has been asked before but do you believe that there are live Americans in Vietnam, Laos, Cambodia?

Mr. ALVAREZ. Mr. Bilirakis, in all honesty and candor I do not know. I have seen nothing, no evidence that will either lead me to believe that there are, nor have I seen anything that will lead me to believe that there are not live POWs in Vietnam being held against their will.

Mr. BILIRAKIS. Well, that is the official Administration position of course, and I guess we all kind of feel that way. Although in our hearts many of us feel that there are, but again it is a question of corroborating evidence.

Why do you feel that Captain Red McDaniel feels so very strongly that there are, and is really doing everything he possibly can along with so many others to get us to exert even more efforts toward that end?

Mr. ALVAREZ. Mr. Bilirakis, I base my opinion on the information that I have had and what I know. I do not know what Captain McDaniel, what information he has available to him or what he may know through some other source. I am just basically stating what I know.

Mr. BILIRAKIS. Okay, have you testified—if you already have, then I will forget about it, but have you talked about the personality or the character of the people there? We have oftentimes heard that their character or their personality or almost their tradition is to keep prisoners for a long period of time?

I know this has been talked about even as far as French prisoners from those wars are concerned. Have you shared with us your thoughts as far as that area goes?

Mr. ALVAREZ. We spoke briefly on it.

Mr. BILIRAKIS. Did you.

Mr. ALVAREZ. A few minutes ago in terms of what my opinion is if they had prisoners, why they would have prisoners for so many years. I was aware that there were statements made by Vietnamese officials while we were there that they still had people there that had been captured during the French wars.

Whether or not they were being detained against their will was never clear. In terms of what reason or why they would be holding anybody now is, you know, is pure speculation.

My only comment to that was that in terms of world public opinion, this was something that was always of great concern to the Vietnamese captors.

They even went to extremes to get statements, to extract statements from us of good treatment which we always felt was something that they wanted for world public opinion.

I do not see what they could gain from holding people this long in terms of world political opinion, yet, I do not know.

Mr. BILIRAKIS. But you consider them to be very world public opinion wise. In other words they are concerned about that. They are the type of people who would be concerned about how the rest of the world looks upon them?

Mr. ALVAREZ. They demonstrated that kind of concern during the years that we were there.

Mr. BILIRAKIS. That you were there. Thank you, sir.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, Representative Bilirakis.

I want to thank you, Mr. Alvarez. I had overlooked the requirement by the Committee that all witnesses give testimony under oath, and I wonder if you would be willing to help me out of that oversight and swear that your testimony has and will continue to be true. Would you so stand?

(Witness sworn.)

Mr. ALVAREZ. I do.

Chairman MURKOWSKI. Thank you very much, and I do apologize for that. That is strictly a technical procedure, and it should not in any way be taken as to detract from the reason you are here.

We are certainly most appreciative. I think your particular point of view has enabled us to have a better indepth understanding of just what was involved, and particularly I think the reinforcement of your testimony with regard to two points.

One that there were no defections from your colleagues, the various air crews in the camp, and secondly that all of those in your camp have been accounted for.

Again, we are most appreciative, Mr. Alvarez. You are an extraordinary American, one that we are all very proud of. We wish you a good day, and we would all on behalf of the Committee like to thank you for your contribution to the Veterans of America through your commitment during your years with the Veterans Administration. We wish you well in retirement, sir.

Mr. ALVAREZ. Thank you very much, Mr. Chairman.

Chairman MURKOWSKI. I would next proceed with the next witness, Lieutenant Colonel Paul Mather, United States Air Force, Joint Casualty Resolution Center Liaison Officer, United States Embassy, Bangkok, Thailand.

We welcome you, Colonel, to the Committee. I would ask if you have an opening statement?

Colonel MATHER. Yes, sir, did you want to go through the formality of the oath again?

Chairman MURKOWSKI. I certainly will before I forget it again.

Colonel MATHER. Before rather than after.

Chairman MURKOWSKI. Would you stand?

(Witness sworn.)

Colonel MATHER. I do.

Chairman MURKOWSKI. I might advise you that at the closed hearing I did not miss it once out of three times in a round so there is hope for me yet.

Would you proceed with your opening statement, and then I might ask you to explain for the Committee what exactly your role and duty at the Joint Casualty Resolution Center Liaison Office in the Embassy in Bangkok is.

STATEMENT OF LT. COL. PAUL MATHER, U.S. AIR FORCE, JOINT CASUALTY RESOLUTION CENTER LIAISON OFFICER, U.S. EMBASSY, BANGKOK, THAILAND

Colonel MATHER. Thank you, Mr. Chairman. As you know I am Lieutenant Colonel Paul Mather from the JCRC Liaison Office in Bangkok.

I have no written statement to submit, but I do have this oral statement which I would like to present. I am aware that my name has been mentioned a number of times in earlier testimony before this Committee.

I understand that it is for this reason that I was asked to come here today to testify regarding various personal and professional allegations which have been made against me, and also to describe the role of JCRC in Bangkok in assisting to resolve the POW/MIA issue.

I am not privy to all the allegations already made to this Committee. However, I am aware by way of an affidavit filed by Lieutenant Colonel Robert Howard of a specific charge against another U.S. officer and myself of an alleged compromise of a Thai intelligence source.

I would like to set the record straight in the event described in this affidavit. The incident to which Lieutenant Colonel Howard refers occurred on 24 January 1984.

By way of background in November 1983, the 501st Military Intelligence Group in Korea had submitted to DIA an intelligence report which was based on POW/MIA information obtained from a named Thai officer by Major Mark Smith during one of his trips to Thailand from Korea.

This resulted in a request from DIA to the Defense Attache Office in Bangkok and to our office to take followup action as necessary with the Thai source.

On 13 January 1984 I sent a message back to DIA explaining our intended line of approach on the followup, namely that we had scheduled a trip to Lop Buri which is the location in Thailand where Smith's Thai source was located to brief the Thai division commander and his staff on the POW/MIA issue, and then to solicit any information which they might have acquired.

This approach was decided upon in consultation with the U.S. Army Attache because it would be nonconfrontational and would avoid embarrassment to anyone in the Thai military who may not have reported possible POW/MIA information to the American mission in Thailand as we would have expected given the high level of cooperation of the Thais on this issue.

Also the Army Attache and I felt confident that if the original Thai informant indeed had POW/MIA information, the Thai division commander and his staff would have been made aware of this information.

On 24 January, 1984, which is the date mentioned in Colonel Howard's affidavit, the above-mentioned meeting took place in Lop Buri. In attendance were the division commander and his staff as well as myself, the U.S. Army Attache and another member from my staff.

Following our briefing which discussed the types of information which we were seeking, the Thai officers were asked during informal discussion if they had ever heard or were aware of any POW/MIA information.

After reflection and further discussion, the Thai officers all responded negatively. At no time, and I would like to stress that, at no time did I or the U.S. Army Attache mention that a commander of a subordinate unit had been reported to have information of POW/MIA interest

In fact our approach was specifically designed to avoid such a mention. Following our briefings and discussions, the Thai division commander invited all participants to join him for lunch at a downtown restaurant.

At the restaurant we were unexpectedly joined by Lieutenant Howard, Major Smith, Sergeant First Class McIntire, and other Thai officers. Greetings were exchanged, but no substantive discussion took place during the lunch.

I took this opportunity to invite Major Smith to my office when he later returned to Bangkok, and indeed he did come to visit me two days later.

I discussed with him at that time our efforts to follow up on his report. It is beyond me how someone could have come to the conclusion that the U.S. Army Attache and I somehow compromised the Thai intelligence source.

This allegation is totally groundless. Moving on to another point. In late 1985 I learned from an agent of the Army Criminal Investigations Command about other allegations made by Major Smith against both my wife and me.

As described by the agent the essence of the allegation was that first I had used my position with the JCRC to get my wife who was then my fiance out of Vietnam in 1978 or 1979, and second that my wife presented a security threat because she was a Vietnamese communist agent.

Needless to say these allegations which have found their way into the press are patently false as well as painfully insulting. These allegations were investigated thoroughly and found to be without substance by Army Criminal Investigation Command, and I recommend that you obtain their report so that you may judge for yourself the speciousness of these allegations.

I would also like to add that less than two years ago my security clearance was upgraded following a complete background investigation which included a check on my wife.

Further, my wife while a citizen of South Vietnam was a U.S. Government employee for five years before the communist takeover.

I would now like to briefly discussion allegations which I just discovered while reviewing the testimony of Mr. Scott Barnes.

There is an implication in Mr. Barnes 'testimony that we in the JCRC Liaison Office were somehow involved in the planning and conduct of cross-border foray which was being planned by Lieutenant Colonel (Ret.) Bo Gritz.

In mid-1981 Mr. Barnes did indeed seek us out in Bangkok and met with us on two occasions. During the course of our discussions Mr. Barnes related stories to us which not only stretched ones imagination, but also defied both logic and fact.

Additionally I learned from reading Mr. Barnes 'testimony that after he allegedly obtained information of two POWs held in captivity in Laos he was ordered to "liquidate the merchandise", meaning for him to assassinate the prisoners.

Who was to supposed to have ordered this alleged assassination is not clear; but the implication is that it was someone in the American Embassy in Bangkok, and I am one of the three Embassy personnel who got my name mentioned in his testimony.

Again, I find such charges ludicrous, and I urge this Committee not to let such allegations go without complete investigation.

I would now like to move to a more positive note and relate to you very briefly the nature of our activities in support to assist and resolve in the POW/MIA.

Chairman MURKOWSKI. Please proceed, and would you for the record indicate what exactly your role and duty as the Joint Casualty Resolution Center Liaison Officer to the Embassy in Bangkok entails?

Colonel MATHER. Yes, sir. The JCRC Liaison Office is one of several divisions of the Joint Casualty Resolution Center. We are physically removed from our headquarters however, and are located in the American Embassy in Bangkok.

As the JCRC Liaison Officer I receive guidance and direction from JCRC headquarters in Hawaii which operates based on policy established by the POW/MIA interagency group.

As a part of the U.S. mission in Thailand we also receive guidance from the American Ambassador and his staff. The tasks of the JCRC Liaison Officer are many and varied.

One of our most important and time-consuming tasks is to assist in collecting any and all information pertaining to the POW/MIA issue. Our biggest source of new information is a stream of Indochinese refugees fleeing from Vietnam, Laos and Cambodia.

Interviews of these people resulted in the submission last year of over 900 reports from our office. These reports containing the entire spectrum of POW/MIA information are forwarded to our headquarters in Hawaii and to the DIA for review and analysis.

In addition to this information gathering effort, the JCRC Liaison Office personnel participate in a number of activities which bring us in direct contact with the officials of both the Socialist Republic of Vietnam and the Laos Peoples Democratic Republic.

These activities are such as technical meetings between the U.S. and the SRV, crash site survey and excavation activities in both Vietnam and Laos, and the repatriation of U.S. remains recovered either as a result of unilateral action on the part of the Indochinese governments or as a result of joint recovery activities.

This very briefly outlines the extent of our major activities. To carry out these functions I have a staff of five personnel including myself and a secretary. We will shortly be joined by a sixth person.

With the exception of my secretary all of my people are Vietnam Era Veterans, all with a great deal of experience in Southeast Asia and the POW/MIA issue.

All of my interviewers are fluent in at least one of the major Indochinese languages, and I can assure you all of us are totally dedicated to our assigned mission of assisting in the resolution of the fate of our missing comrades.

It is for this reason that I am extremely disturbed by the various allegations regarding our conduct and the professional manner with which we approach our work.

It disturbs me not so much because of the personal attacks, but because these attacks tend to discredit the loyalty and dedication of a group of very talented, capable and hardworking people who make up the entire Joint Casualty Resolution Center.

The JCRC is unique and it has no other lateral mission. It has no mission other than to resolve the Southeast Asia POW/MIA issue. For the past 13 years the JCRC has been at the forefront of efforts to resolve this longstanding concern.

Having been in the JCRC since its formation, I have seen the importance of this issue re-emerge as a matter of the highest national priority.

I witnessed the increased emphasis of the U.S. Government first hand, and I know I speak for all members of the JCRC when I say that we are proud to be part of this important exhilarating effort to account for our missing comrades and to end the suffering of their families. Thank you, sir.

Chairman MURKOWSKI. Thank you very much, Colonel. You have been in Bangkok for 10 years, is that correct, thereabouts?

Colonel MATHER. I have been in Bangkok ever since I left Saigon in 1975.

Chairman MURKOWSKI. Is it unusual for a military officer to stay in one place for as long as you have?

Colonel MATHER. Yes, sir, I think it is.

Chairman MURKOWSKI. What was the decisionmaking process? Were you asked to stay. Was it because of your professional commitment to the JCRC, your combination of expertise built up over a period of time?

Colonel MATHER. I would like to think that that was it, sir.

Chairman MURKOWSKI. It has certainly been your choice. Is that correct?

Colonel MATHER. Yes, sir. We are all volunteers.

Chairman MURKOWSKI. And you have had the opportunity to move into other areas of responsibility in connection with your military career?

Colonel MATHER. Yes, sir.

Chairman MURKOWSKI. Why have you chosen to stay in this particular area?

Colonel MATHER. Well, it is a cause that I believe in, sir.

Chairman MURKOWSKI. Why has the military chosen to keep you in that capacity?

Colonel MATHER. I think you would have to ask someone in a higher level of Government.

Chairman MURKOWSKI. Have you at any time been provided with information or evidence which would lead you to believe that there are in fact Americans being held in captivity in Southeast Asia as a result of our conflict there?

Colonel MATHER. Sir, we receive evidence all the time as a result of our information gathering activity. We gather this data as best we can, and forward it to our headquarters and to DIA.

Certainly a considerable portion of this evidence leads us to believe that it is certainly possibility that Americans may still be held captive.

Chairman MURKOWSKI. But in your experience of over 10 years as you have quite worded it, "it may be possible" as opposed to anything stronger?

Colonel MATHER. This is the biggest source of frustration that I have, sir. After working on this issue this long, I do not know either.

Chairman MURKOWSKI. Have you ever failed—excuse me, go ahead.

Colonel MATHER. I was just going to say after working this long I do not know either whether there are or whether there are not.

Chairman MURKOWSKI. Do you have a personal conviction that you would care to impart?

Colonel MATHER. My personal view is that we should keep an open mind on this. Those of us, particularly at my end of the business where we gather the data think it would be a mistake for us to take a hard position either way.

Chairman MURKOWSKI. You have indicated that evidence is part of your evaluation in the sense of getting evidence coming in, information and so forth.

Have you ever seen photographic evidence that would lead you to believe that those in the photographs were Americans being held against their will?

Colonel MATHER. No, sir, I have not. We have seen a lot of photographs over the years, unfortunately either unidentifiable or eventually proved to be fraudlent.

Chairman MURKOWSKI. With your long-term commitment to the area of information flow and specific dedication to the issue of identification of MIAs, have you ever failed personally to pass along information to your superiors relative to the possibility of American prisoners of war in Southeast Asia, or to your knowledge has anyone else that you have known that has been charged with the responsibility of tracking ever failed to act appropriately or professionally?

Colonel MATHER. No, sir. That is our job is to gather the information and forward it, and we pursue that with great diligence, sir.

Chairman MURKOWSKI. There have been allegations that some of the refugees that are coming through Southeast Asia, Thailand perhaps, may have been subject to mistreatment in the sense of having information on the POW/MIA issue and the word being out there among various refugess that somehow there will be some reward or recognition if there is some information being departed to your authority and that of your colleagues.

Have you heard anything of this nature that the word is out there among the refugees?

Colonel MATHER. No, sir. I have heard these allegations before. I would just like to say that those of us who work out there in Thailand are keenly aware of the fact that the refugees as a group are, they are a population of people that can be intimidated.

We are also keenly aware of the fact that the minute that we were to mistreat, harass or in any way turn them off, our flow of information would stop. This is one of the things that we would just never do.

Chairman MURKOWSKI. Tell me in your position of observing the interviews of many, many refugees is it your perception that the refugees are preconditioned knowing that the American authorities are very interested in the MIA/POW issue?

Colonel MATHER. I think——

Chairman MURKOWSKI. That is prior knowledge that they have as they discuss among themselves the significance of interviews?

Colonel MATHER. I think there is a very widespread knowledge that the U.S. Government is looking for this kind of information.

Chairman MURKOWSKI. Do they have a perception that they may be rewarded if they have some information?

Colonel MATHER. Some of them may have, but perhaps I should go through with you how we go about gathering——

Chairman MURKOWSKI. And you, just briefly, do you get the information more often than not that addresses the issue of some belief or observation or second hand information from your refugees, or is it more often they say we do not know?

Colonel MATHER. We do get a considerable amount of information from the refugees. It is generally offered voluntarily.

We solicit this information in a number of ways. We have what we call awareness posters that we have in the camps. We make broadcasts over the loud speaker system in the camps.

We solicit anyone who has information of interest to us to come forward and be interviewed. The results of this effort as I mentioned has been over, something over 900 reports last year.

Chairman MURKOWSKI. Thank you, Colonel. Without going into too much detail can you enlighten the Committee as to the relationship which existed between yourself and Major Smith of the Special Forces Detachment in Korea?

Did you have a friendly relationship or was it a strained relationship?

Colonel MATHER. I think it was probably a professional relationship. I did not know Major Smith well. I met him the first time, oh, probably five years ago or so.

I think I have only met him personally two or three times, and it has always been on a very professional basis.

Chairman MURKOWSKI. Do you feel that you were involved in any way relative to the attempt to inhibit either Major Smith or Sergeant McIntire in their commitment to the MIA/POW issue?

Colonel MATHER. In answer to your question, no, but I also have to add that I did not realize until this suit was filed that they had some sort of mission in this area.

This had never been called to my attention. I knew that he would come to Thailand quite often. I certainly had no idea that he was there to gather POW/MIA information.

Chairman MURKOWSKI. Who is your direct superior? Do you report directly to the White House or to the Secretary of Defense or the Defense Intelligence Agency?

Colonel MATHER. No, sir, I report to Lieutenant Colonel Joe Harvey, the Commander of the Joint Casualty Resolution Center in Hawaii.

Chairman MURKOWSKI. And who does he report to?

Colonel MATHER. He reports to the Commander in Chief of Pacific Forces. The DIA by the way is not in our chain of command, but we work very closely with them.

Chairman MURKOWSKI. Now, the record has indicated that Smith did not have a mission, specific mission responsibility with regard to POW/MIA, and yet I think you generalized that you thought he did. Is that correct?

Colonel MATHER. No, I did not think he did, but I am aware of the allegation that he has made that he had a special mission in this area.

Chairman MURKOWSKI. Thank you for clarifying.

Colonel MATHER. And I was not aware of that until he said it.

Chairman MURKOWSKI. Are you familiar with a person who uses the fictidious name of Obassy?

Colonel MATHER. Yes, sir, I am aware of that name.

Chairman MURKOWSKI. And how are you aware of this name and what does it mean to you?

Colonel MATHER. I am aware of it primarily through news reports. I understand that this person has now been identified.

Chairman MURKOWSKI. Do you know of a gentleman by the name of Gregson?

Colonel MATHER. Gregson, yes, sir. Yes, sir, I am aware of him.

Chairman MURKOWSKI. How do you know Gregson?

Colonel MATHER. He is a rather well known individual in Bangkok. He was convicted several years ago. I do not remember exactly when.

Chairman MURKOWSKI. Have you ever met him?

Colonel MATHER. No, sir, I have not, not to my knowledge.

Chairman MURKOWSKI. What was he convicted of?

Colonel MATHER. He was convicted—it had something to do with planting drugs on some tourists and then having them arrested, and then taking payoffs to——

Chairman MURKOWSKI. How long ago did this take place?

Colonel MATHER. As I recall this was about three or four years ago, something like that.

Chairman MURKOWSKI. Three or four years ago?

Colonel MATHER. Sir, I could go back through the records and find out.

Chairman MURKOWSKI. When is the last time you came across the name Gregson?

Colonel MATHER. I have heard it mentioned a number of times here.

Chairman MURKOWSKI. Recently?

Colonel MATHER. Yes, sir.

Chairman MURKOWSKI. How about Obassy?

Colonel MATHER. Yes, sir. I have heard that name mentioned too.

Chairman MURKOWSKI. Do you have—are we talking about two people?

Colonel MATHER. It is my understanding—again, I have no first hand knowledge in this, but it is my understanding that they are one and the same.

Chairman MURKOWSKI. When you had reference four years ago to the jailing of Obassy, was it Obassy or Gregson?

Colonel MATHER. It was Gregson, sir.

Chairman MURKOWSKI. At that time?

Colonel MATHER. Yes, sir.

Chairman MURKOWSKI. What was your recollection then four years ago when this charge was filed against Gregson? How did you happen to observe this?

Colonel MATHER. It was a rather famous——

Chairman MURKOWSKI. Was it big news?

Colonel MATHER. Yes, it was big news. It was front-page news on the newspapers.

Chairman MURKOWSKI. It had nothing to do with your official duties?

Colonel MATHER. No, sir. It had nothing to do with us.

Chairman MURKOWSKI. Have you observed from the standpoint of your recollection any reoccurrence of Obassy/Gregson in the last four years since that time other than what you have read perhaps recently in the newspapers here?

Colonel MATHER. I am sorry, I do not?

Chairman MURKOWSKI. Well, did he reappear after the——

Colonel MATHER. Did Gregson's name come up recently?

Chairman MURKOWSKI. Well, I am interested in the four years. You said this happened four years ago, and then you indicated that he went to prison.

Colonel MATHER. He was convicted. He did not——

Chairman MURKOWSKI. He did not go to prison?

Colonel MATHER. As far as I know he did not go to prison.

Chairman MURKOWSKI. Was he active in Southeast Asia to your knowledge after the incident four years ago?

Colonel MATHER. I really could not say, sir.

Chairman MURKOWSKI. What is your recollection of him currently?

Colonel MATHER. I understand since I came back from Bangkok, back to Washington, I have learned that he is apparently in jail.

Chairman MURKOWSKI. Where?

Colonel MATHER. In Singapore.

Chairman MURKOWSKI. My last question. In your communication in your function over there is the issue of gold and drug dealing activities linked to the POW/MIA issue in the sense of——

Colonel MATHER. Not to my knowledge.

Chairman MURKOWSKI. Any consideration being given for information?

Colonel MATHER. No, sir, I am not aware of any tie-in.

Chairman MURKOWSKI. These are my last two questions. Are you aware of the presence of Americans in Laos or Vietnam who may be there on their own free will?

Colonel MATHER. No, sir.

Chairman MURKOWSKI. It was generally known that a number of Americans left the military service while in Vietnam. Some married, settled down. Some defected. Some became involved in all kinds of activities. To your knowledge are these men accounted for?

Colonel MATHER. Well, I really do not know, sir. There are some defectors that are not accounted for, or at least one I know of that is not accounted for.

Chairman MURKOWSKI. Can you give his name for the record?

Colonel MATHER. His name is McKinley Nolan, sir.

Chairman MURKOWSKI. McKinley Nolan, and he is unaccounted for?

Colonel MATHER. He is unaccounted for.

Chairman MURKOWSKI. He is a defector that stayed in after the treaty?

Colonel MATHER. Yes, sir. He defected to the Viet Cong and the South. Our last known information on him is that he eventually escaped from the Viet Cong and fled into Cambodia. He has disappeared.

Chairman MURKOWSKI. Cambodia is the last record that you have. Thank you very much.

Senator DeConcini?

Senator DECONCINI. Thank you, Mr. Chairman. Colonel Mather you started off this morning talking about the January 1984 meeting that you had with the Thai officers and Colonel Howard.

Colonel Howard, in his testimony in closed session, talks about meeting with these particular individuals and names them. Do you remember who they were?

Colonel MATHER. The people that we met with?

Senator DECONCINI. The Thai officers?

Colonel MATHER. Yes. Well, I remember the name of the division commander. I do not remember the name of any of the staff officers.

Senator DECONCINI. Yes, and when you met with them, did you discuss POW/MIAs and possible live sightings in either Laos or Vietnam?

Colonel MATHER. Yes, sir. That was our whole purpose to go there was to brief them on what our interest was in the issue, to heighten their awareness, to let them know that we were around, and to solicit any information which they might have obtained themselves.

Senator DECONCINI. What kind of a relationship did you have with these officers, these Thai officers? I think Colonel Norong was one of them.

Colonel MATHER. Colonel Norong was not there, sir.

Senator DECONCINI. He was not there?

Colonel MATHER. He was not at our meeting, no, sir. He may have been at this luncheon later, but I have never met Colonel Norong to my knowledge.

Senator DECONCINI. Were you at the luncheon?

Colonel MATHER. Yes, sir.

Senator DECONCINI. You were at the luncheon?

Colonel MATHER. Yes, sir.

Senator DECONCINI. And you do not remember if Colonel Norong was there at the luncheon?

Colonel MATHER. No, sir. I do not remember. He may well have been because Colonel Howard and his group came in with a second group of Thai officers, and he may have been among them, but he was not in the meeting that we had prior to the luncheon.

Senator DECONCINI. Colonel Howard says that his sources, including Colonel Norong, were not prepared to tell you about this information because, according Colonel Howard, they did not trust you.

They did not want you to have that information. He used those words. Did you have any relationship with those Thai officers other than that meeting?

Colonel MATHER. No, sir.

Senator DECONCINI. Did you ever meet with them on any other occasions to share information?

Colonel MATHER. No, sir. This was a meeting that was set up through the auspices of the Army Attache in the Embassy.

Senator DECONCINI. How did that come about do you know?

Colonel MATHER. Obviously through the——

Senator DECONCINI. Did the Thais initiate it?

Colonel MATHER [continuing]. Command liaison office. No, we initiated it.

Senator DECONCINI. You initiated it?

Colonel MATHER. Yes, sir.

Senator DECONCINI. Somebody in the Embassy initiated it?

Colonel MATHER. Right.

Senator DECONCINI. You do not know who?

Colonel MATHER. Well, it was at my request.

Senator DECONCINI. It was at your request that you meet with the Thais?

Colonel MATHER. That we have the meeting because we were asked to check out this report. So we decided that the best way to do this would be to arrange to brief the Thai officials.

That way we would not have to confront them with the fact that one of their officers had allegedly passed POW/MIA information to an American and it had never been reported to the mission.

So rather than confront them directly and make some sort of an accusation at them, our approach was to arrange for this briefing. We felt we had a legitimate——

Senator DECONCINI. You were laying the stage that they could present it?

Colonel MATHER. Right, exactly.

Senator DECONCINI. Instead of saying——

Colonel MATHER. To allow them to voluntarily tell us, oh, yes, we have such and such information.

Senator DECONCINI. Now, Colonel Howard says that they did not tell you, that they told him. Did Colonel Howard ever tell you?

Colonel MATHER. No, sir.

Senator DECONCINI. Of any of this information?

Colonel MATHER. No, sir.

Senator DECONCINI. Are you familiar with the term called Metro Pot?

Colonel MATHER. Yes, sir.

Senator DECONCINI. Is that of a classified nature?

Colonel MATHER. No, sir, it is a group of—it is a joint high U.S. and anyone else that wants to join, a group of parachute jumpers. They go around and give demonstration parachute jumps around the country.

It is a way of raising money to fund rural schools in Thailand.

Senator DECONCINI. Did Metro Pot have any classified intelligence aspects that you know of?

Colonel MATHER. Not to my knowledge.

Senator DECONCINI. Were they involved in any cooperative training efforts with the Thais or anyone?

Colonel MATHER. Perhaps there was a training aspect to it, but as I understand it, it is an organization that a number of civilians also belong to or jump with them. I frankly do not know the details.

Senator DECONCINI. So if there was any departmental crew information from CINCPAC or higher command that they were supposed to be involved in intelligence gathering, you knew nothing of it?

Colonel MATHER. I knew nothing of it.

Senator DECONCINI. And particularly if it were involved with POW/MIAs, you knew nothing of that?

Colonel MATHER. That is correct.

Senator DECONCINI. Would you think you would be advised if they did have such a mission or if any unit had such a mission, because of the JCRC?

Colonel MATHER. I think we would have been involved, yes, sir.

Senator DECONCINI. Were you ever advised of any particular effort while you were at the American Embassy as to a classified nature of any involvement or soliciting information or pursuing any MIA/POW efforts?

In other words, have there been specific intelligence operations that you have been advised of that have been functioning?

Colonel MATHER. No, sir.

Senator DECONCINI. No. You have never been briefed on any operations that might be going on there?

Colonel MATHER. No, sir.

Senator DECONCINI. As it relates to POW/MIA?

Colonel MATHER. That is correct.

Senator DECONCINI. On January 28th, Colonel Mather, Mr. Scott Barnes testified that he delivered to you in conjunction with the Bo Gritz affair a package containing a letter from General Aaron, a code book, a map, and other biographical information. Did you ever receive any such things from Mr. Barnes?

Colonel MATHER. We received some papers from Mr. Barnes, yes.

Senator DECONCINI. Can you tell us what they were? Do you remember?

Colonel MATHER. As I recall there was some sort of a schematic chart in there which—what it was, sir, was a bunch of xerox papers, and they were not in very good shape frankly. Most of them were not very readable, but I do not recall any letter.

I remember there were some, there was a schematic chart. It looked like a flowchart of sorts for planning some sort of a cross-border foray apparently.

Senator DECONCINI. Planning what, excuse me?

Colonel MATHER. Some sort of a cross-border foray into Laos. Mr. Barnes when he came to our office, his introduction to us was, I am on a mission here for Bo. That was the first thing he said.

Senator DECONCINI. Did you know what he meant?

Colonel MATHER. Frankly, no, but then he went on to explain that he was there associated with Bo Gritz.

It might be useful if I go—I prepared a report at that time which I think I have here. I think I can extract some of this information if you are interested in just to go over our——

Senator DECONCINI. What I am interested in is what was in the package that he gave you? What you did with the package? Does your report indicate what was in that package?

Colonel MATHER. No.

Senator DECONCINI. Can you give us any idea what was in it?

Colonel MATHER. In fact we did not see anything in there that we thought was very significant.

Senator DECONCINI. Was there a letter to General Aaron?

Colonel MATHER. Not to my recollection, sir. I think I would have remembered that, if there was a letter. I do not remember any letter at all.

Senator DECONCINI. Was there a code book?

Colonel MATHER. There was some—there was not a code book, but there were some phrases written with numbers under them which you could have probably used to translate to a code, yes, sir.

Senator DECONCINI. Did you know what they were?

Colonel MATHER. Well, not really.

Senator DECONCINI. Did you ever analyze them, have them analyzed?

Colonel MATHER. No, sir.

Senator DECONCINI. Were there maps?

Colonel MATHER. I do not recall any maps?

Senator DECONCINI. Was there biographical information?

Colonel MATHER. There was biographical information on Bo Gritz as I recall.

Senator DECONCINI. And no letter to General Aaron?

Colonel MATHER. Not to my recollection.

Senator DECONCINI. What did you do with this information?

Colonel MATHER. I reported it.

Senator DECONCINI. You reported it to whom?

Colonel MATHER. The DIA.

Senator DECONCINI. The DIA.

Colonel MATHER. And to my headquarters.

Senator DECONCINI. Did you turn it over to them?

Colonel MATHER. No, sir.

Senator DECONCINI. You did not. Do you still have it?

Colonel MATHER. I have some of it, yes, sir.

Senator DECONCINI. Where is it, in the Embassy?

Colonel MATHER. In Bangkok.

Senator DECONCINI. You say you have some of it. You do not know what you have or what you do not have?

Colonel MATHER. I do not know what is there. I know where it is though, and I can lay my hands on it.

Senator DECONCINI. Yes. Now, Mr. Barnes also testified that you stated, and it is his statement, "It would be in the best interest of the United States that no live POWs come back." Did you ever make that statement?

Colonel MATHER. No, sir, I did not.

Senator DECONCINI. Regarding the Bo Gritz incident, and you prepared a report about it, did you know about the Bo Gritz effort before it was——

Colonel MATHER. No, sir, we did not.

Senator DECONCINI. You did not know.

Colonel MATHER. No.

Senator DECONCINI. You did not know anything about this taking place?

Colonel MATHER. No.

Senator DECONCINI. Do you know much about it now?

Colonel MATHER. A little more about it than I did at that time that is for sure, but I am not sure anybody knows clearly, exactly what that was all about.

Senator DECONCINI. Mr. Barnes testified that you gave him a package. It was about two pounds he says, about the size of a shoe box which he delivered to the Khmer Rouge, and that it—did you ever give him anything?

Colonel MATHER. No, sir, we did not.

Senator DECONCINI. You did not. Where do you suppose he comes up with that? Do you have any idea?

Colonel MATHER. Sir, I think Mr. Barnes has a very active imagination.

Senator DECONCINI. Mr. Barnes testifed that he thought that you had some input in the decision not to pursue the Gritz rescue operation. Your statement is that you had nothing to do with that at all?

Colonel MATHER. That is correct, sir.

Senator DECONCINI. You were asked your relationship to Major Smith. Did the two of you have anything other than a professional relationship?

Colonel MATHER. No, sir. He wrote a personal letter to me one time.

Senator DECONCINI. Did he ever complain or leave you with the feeling that you were not doing enough or were not responsive enough in your professional capacity?

Colonel MATHER. Well, I think Major Smith had the feeling that we should, we and the JCRC should have more of an operational mission. I think he and perhaps a lot of other people were very impatient or perhaps did not understand what our role was in this issue.

This would be just speculation on my part as to what his views might be, but based on my discussions with him, I think he would be more in favor of an activist role where we actually were running some sort of clandestine activities, perhaps cross-border forays and so forth.

Senator DECONCINI. That of course was not your mission?

Colonel MATHER. That was not our mission, definitely not.

Senator DECONCINI. Were you prohibited from doing anything along that line other than just gathering information?

Colonel MATHER. Sir, we have no covert——
Senator DECONCINI. You have no covert operation?
Colonel MATHER [continuing]. At all.
Senator DECONCINI. Okay.
Colonel MATHER. We are strictly overt.
Senator DECONCINI. Now, Major Smith and Colonel Howard testified that the Thais conducted frequent cross the border operations. Did you know about any of these?
Colonel MATHER. No, sir, that is not within my purview to know about these things.
Senator DECONCINI. Well, if POW/MIAs were in your purview, did you have contacts with the Thais that would give you any information?
Colonel MATHER. We were able to obtain information from the Thais not directly to us, not directly to JCRC. There are means of getting the information from——
Senator DECONCINI. Did you have some sources then? Is that what you are saying?
Colonel MATHER. Not JCRC sources. I am talking about other U.S. sources.
Senator DECONCINI. But you did not, JCRC, your own office did not have any sources with the Thais?
Colonel MATHER. No, sir. No, sir, JCRC had no sources with the Thais, correct.
Senator DECONCINI. Was there a reason for that? Were you not interested in knowing what the Thais might be doing if they were penetrating Laos or Cambodia or Vietnam, particularly as it relates to your——
Colonel MATHER. I think there were other means for the U.S. Government to get the information from the Thais.
Senator DECONCINI. You were not, you did not think it was necessary for you to try to get it?
Colonel MATHER. I do not think that is the point, sir. I should mention I feel a little bit uncomfortable in discussing this in open session, sir.
Senator DECONCINI. Well, I am not trying to put you in the box. It troubles me that maybe I do not know what your mission was at JCRC, but it seems to me like you would have had a great deal of curiousity and professional need to have contacts with the Thais on any information regarding POW/MIAs, and you are telling me that the JCRC had none. Is that right? Not that the Government did not, but you did not.
Colonel MATHER. That is correct.
Senator SPECTER. Would the gentleman yield?
Senator DECONCINI. I would be glad to yield.
Senator SPECTER. All right. So the Government had ways to get this information from the Thais?
Colonel MATHER. Yes, sir.
Senator SPECTER. Where did that information go? Did it not got to JCRC at all?
Colonel MATHER. It did not necessarily come to us. We are an information collector, one of many.
Senator SPECTER. I know, but we are talking about information are we not?

Colonel MATHER. Yes, sir. We collect raw data. The Embassy political section collects data. The refugee people collect data.

Senator SPECTER. And where does all this data mesh together?

Colonel MATHER. It all comes together at DIA.

Senator SPECTER. DIA in Washington, D.C.?

Colonel MATHER. Yes, sir.

Senator DECONCINI. Well, is it possible—excuse me.

Senator SPECTER. Go ahead.

Senator DECONCINI. Is it possible, Colonel, that maybe Howard and Smith were dealing with the wrong person when they were dealing with you. Their complaint is as you know from the affidavits and what have you, that they were supposedly turning over all this highly technical, highly physical evidence of pictures and maps, and all kinds of evidence, and that you were not really the person to receive it. Is that a fair analysis?

Colonel MATHER. Well, I think it is fair to say that it should have been turned in to the U.S. Government.

Senator DECONCINI. But not necessarily to you?

Colonel MATHER. Not necessarily to us, that is correct.

Senator DECONCINI. Did you ever have discussions with Smith or Howard as to what your role was, what your mission was?

Colonel MATHER. Yes, sir. Not with Colonel Howard. I only met Colonel Howard just very briefly.

Senator DECONCINI. But with Smith you did?

Colonel MATHER. With Smith, yes. When he came to my office, we discussed what our role was, and it is based on that discussion that I have the feeling that he was——

Senator DECONCINI. Are you familiar with the test that Mr. Barnes voluntarily submitted himself to?

Colonel MATHER. I understand from his testimony that——

Senator DECONCINI. Have you seen that tape of this test?

Colonel MATHER. Oh, no, sir.

Senator DECONCINI. Being under sedation and being asked questions?

Colonel MATHER. No, sir.

Senator DECONCINI. Now, Congressman Dornan visited the JCRC in Bangkok in February 1986. Do you remember seeing him then?

Colonel MATHER. February 1986?

Senator DECONCINI. Yes.

Colonel MATHER. Yes, sir.

Senator DECONCINI. Dornan. He was quite critical of the operations there. He said that it appeared that your mindset was such that you were more disposed to disprove rather than dig deeper and look for positive results.

He felt your job should be filled with someone more eager to prove Americans are still being held. What are your feelings, and would you like to counter that observation of Mr. Dornan?

Colonel MATHER. Well, I am aware of his observations. He made them known through the press, but I told Congressman Dornan when he came to visit. He asked, you know, with what attitude I approached the job as far as the issue of live Americans is concerned.

I told him that we operate on the presumption that there may be live Americans in captivity there. I told them that is the U.S. Gov-

ernment position. I support it. I believe in it. I think it is a prudent position.

Then he asked me what do you personally think. Do you believe that there are Americans alive in captivity? I told him I would like to keep an open mind on that because I do not know. He expressed unhappiness with that response.

Senator DECONCINI. Did he feel that was not strong enough or something? Is that what you think brought him to make these statements to the press or to others?

Colonel MATHER. I think so, yes, sir.

Senator DECONCINI. Jerry Daniels, are you familiar with him?

Colonel MATHER. Yes, sir.

Senator DECONCINI. Do you know if he was connected with our Government in any way?

Colonel MATHER. Yes, sir, he was.

Senator DECONCINI. Was he connected with your operation?

Colonel MATHER. No, sir.

Senator DECONCINI. Was he connected with the CIA?

Colonel MATHER. I cannot say for sure.

Senator DECONCINI. Do you know the surrounding circumstances of his death?

Colonel MATHER. He died of gas inhalation due to a faulty water heater in his apartment as I understand it.

Senator DECONCINI. There is quite a cloud around his death, and some people are concerned about it. I do not know if you can help me or not, but when his coffin was returned to his home in Montana, it was sealed and the family was not able to find out much about the circumstances surrounding that death.

Can you help us at all? Do you know anything about it?

Colonel MATHER. All I know, sir, is what I learned around the Embassy there. Mr. Daniels was working for the refugee section in the Embassy.

He had been seen at a restaurant I believe having dinner one evening. Then about two days later they found his body in his apartment.

Senator DECONCINI. Colonel Mather, all information that you received regarding POW/MIAs did you turn it all over to DIA?

Colonel MATHER. Yes, sir. That is our——

Senator DECONCINI. On a consistent basis?

Colonel MATHER. Yes, sir. It goes——

Senator DECONCINI. And in doing so did you ever come into possession of any photographs of Americans?

Colonel MATHER. Yes, sir, we have received photographs of Americans.

Senator DECONCINI. Photographs of Americans held in captivity?

Colonel MATHER. Yes, Americans held in captivity.

Senator DECONCINI. And that was turned over to DIA?

Colonel MATHER. Yes.

Senator DECONCINI. Do you remember the time?

Colonel MATHER. Oh, there have been several instances, but I would like to clarify for you, sir, that these photos of Americans in captivity are of people who have now been released.

Senator DECONCINI. That is fine, but can you for the record give me the times, how many and the dates that you received those and when you turned them over?

Colonel MATHER. No, sir, I cannot.

Senator DECONCINI. Do you know the names of the Americans that were involved in that?

Colonel MATHER. Yes, sir.

Senator DECONCINI. Can you supply that to us?

Colonel MATHER. Yes, Chuck Cluseman, we received his picture a number of times from Laos refugees. Emmett Kay, that is the only ones I can think of, sir.

Senator DECONCINI. Are you familiar the Captain Hopper case?

Colonel MATHER. Of Mr. Hopper's son?

Senator DECONCINI. Mr. Hopper's son.

Colonel MATHER. Yes, sir.

Senator DECONCINI. Do you know anything about that case? Did you ever receive any information regarding that case.

Colonel MATHER. No, sir.

Senator DECONCINI. From a refugee or from the sources we discussed here or any place else?

Colonel MATHER. Not by name but I should also point out that we do not do the analysis. Now my headquarters may have taken some of our reports and correlated them to Captain Hopper. I am not sure, but I do not recall ever receiving any information that I received specifically identified with the Hopper case.

Senator DECONCINI. Do you know who Jim Tully is and Robert Moburg and William Wharton?

Colonel MATHER. Yes, sir.

Senator DECONCINI. Can you tell us who they are with the Embassy?

Colonel MATHER. Jim Tully and William Wharton worked for me. They were earlier members of the JCRC Liaison Office. Robert Moburg used to work, he is a retired Army officer. He used to work for the Drug Enforcement Agency. He is now retired, and I think in lives here in the Washington area.

Senator DECONCINI. Scott Barnes said that in addition to you that he met with these people in the Embassy?

Colonel MATHER. He did.

Senator DECONCINI. Is that correct?

Colonel MATHER. That is correct.

Senator DECONCINI. And did you have debriefings with them, or talk about what Mr. Barnes had——

Colonel MATHER. Mr. Tully and Wharton were with me.

Senator DECONCINI. When you met with Barnes?

Colonel MATHER. When I met with Barnes.

Senator DECONCINI. Did they meet separately with him?

Colonel MATHER. No.

Senator DECONCINI. Not to your knowledge?

Colonel MATHER. No, sir.

Senator DECONCINI. He says that they did, but you do not know.

Colonel MATHER. They did not. I can say with assurance that they did not meet separately.

Senator DECONCINI. Separately with him. And you do not know Mr. Moburg?

Colonel MATHER. Moburg, I do not know. Well, I do know that he met with Scott Barnes.

Senator DECONCINI. You do.

Colonel MATHER. But I do not know any of the particulars, sir.

Senator DECONCINI. Thank you, Mr. Chairman. I have no further questions. Thank you, sir.

Chairman MURKOWSKI. Thank you, Senator DeConcini. Before I call on Mike Bilirakis, it is my understanding that Scott Barnes claimed that Jerry Daniels operating under an alias lead cross-border teams into Laos. Do you have any knowledge of that?

Colonel MATHER. No, sir, I do not.

Chairman MURKOWSKI. Then there was a question of whether Daniels who then turned up dead, whether that was as a consequence. You have no knowledge of any connection there whatsoever?

Colonel MATHER. No, sir.

Chairman MURKOWSKI. Thank you.

Representative Bilirakis?

Mr. BILIRAKIS. Thank you, Mr. Chairman. Colonel, I like my colleagues do not want to be unfair, but you have been in charge of the JCRC in Bangkok what about 10 years?

Colonel MATHER. 1975, yes, sir.

Mr. BILIRAKIS. That is 10, 11 years. How does your operation in Bangkok stand on the organizational chart as against JCRC in Hawaii?

Colonel MATHER. We are just one of the divisions, sir.

Mr. BILIRAKIS. One of the divisions. So on a level with them so to speak?

Colonel MATHER. No, I am on the level with the other division chiefs in the organization. We all come under the JCRC in——

Mr. BILIRAKIS. Are they subordinate to you? Is Hawaii subordinate to your office?

Colonel MATHER. No, sir.

Mr. BILIRAKIS. The other way around?

Colonel MATHER. The other way around.

Mr. BILIRAKIS. The other way around?

Colonel MATHER. Yes, sir.

Mr. BILIRAKIS. Senator DeConcini a number of times mentioned something about not being able to ascertain what your role is, the role of the JCRC, your specific role. How many people have you had working for your usually on an average during this 11 years?

Colonel MATHER. Well, we started out with just two of us. Then in 1979 I think we finally got a third person, and we got a fourth person in 1983 I believe it was.

Mr. BILIRAKIS. All right. Well, Colonel, in answering the questions that the Senator has passed on to you, it almost seems to me, and again I am trying not to be unfair, but it almost seems to me that your role is more of a—is the word passive appropriate?

Is the word receiving appropriate, a receptacle so to speak for information that might just happen to flow into your hands? Was your role ever intended to be a role of reaching out for information, gathering information from the standpoint of positively reaching out for it?

You do not seem to know. Ten, 11 years is an awfully long time obviously. I do not know, in the history of the military whether anyone has served in any one particular location that long, and that is awfully unusual, but you have been there a long time.

It seems to me anyone there that long should know much more of what was going on than you apparently did at least as far as your answers to the Senator are concerned.

You have got to know more about what the Thai military is doing. You have got to know more about cross-border forays. What was the role? Why has the DIA stationed you and the other people that work with you in Bangkok?

Colonel MATHER. Sir, we were not stationed there by the DIA.

Mr. BILIRAKIS. You were not?

Colonel MATHER. No, sir.

Mr. BILIRAKIS. Who stationed you there?

Colonel MATHER. We are not part of the DIA.

Mr. BILIRAKIS. You are not part of it?

Colonel MATHER. We work closely with the DIA.

Mr. BILIRAKIS. Okay.

Colonel MATHER. But we are not part of the DIA.

Mr. BILIRAKIS. All right.

Colonel MATHER. We come under the commander in chief of the specific forces.

Mr. BILIRAKIS. Same question, just different. Who stationed you there?

Colonel MATHER. We do actively solicit information. It is not a matter of people coming up and beating—we are sitting around the office waiting for someone to come up and give us things.

We are out actively soliciting information. My interviewers cover all of the camps, all of the Indochinese refugee camps including those in Malaysia, Singapore, Indonesia, Thailand, Hong Kong, Macao, occasionally other places such as Japan and China.

From our headquarters we send people out to actively solicit information from refugees in the Philippines.

Mr. BILIRAKIS. Was JCRC established in Thailand in 1975 or had been established prior to that?

Colonel MATHER. JCRC was established as a result of the Paris Accords in 1973. It was established in Saigon, and then immediately moved to Thailand because of all the forces that were leaving from Vietnam at that time.

Mr. BILIRAKIS. Yes.

Colonel MATHER. They moved to Thailand, and then re-established liaison offices back in Saigon, up in Vientiane. We had to plan to place a liaison office in Hanoi and a liaison office in Phnom Penh. Those two never got established though.

Mr. BILIRAKIS. Again we go to a role because, and I think it is important. We questioned the three general officers this morning. Other than more of an offhand reference to maybe CIA, I do not think we were ever able to ascertain who ever really had the responsibility or the mission to gather POW/MIA intelligence information.

There were a lot of denials that so and so did it or whatever, and apparently that is not your mission. If it is your mission, it seems like you would know more than you say——

Colonel MATHER. It is my mission.

Mr. BILIRAKIS. It is your mission?

Colonel MATHER. Yes, sir, and it is the mission of a number of other U.S. organizations.

Mr. BILIRAKIS. But you have said that the Government has ways to gather information from the Thai officers, but you do not which means it skips right over you and goes directly to the DIA. Is that right? And yet your mission is to gather information.

Colonel MATHER. Our mission is to gather information, but I think— excuse me a minute, sir.

Mr. BILIRAKIS. Go ahead, sure.

Colonel MATHER. I am sorry, sir. There are a number of organizations in the U.S. mission in Thailand. All of them are sensitized to this issue. All of them are prepared to gather information in this issue.

It all feeds to the DIA. We are one of many organizations or one of many parts of the mission there.

Mr. BILIRAKIS. Do you have in your role, in this information that you have gathered, received or whatever, do you exercise any sort of function in terms of determining what might be significant in terms of forwarding it on forward to DIA?

Colonel MATHER. No, sir.

Mr. BILIRAKIS. Everything you get, you forward it to DIA?

Colonel MATHER. We forward it all because we were staffed or we do not have the backup data. We do not have the personnel to do the analysis. We are collectors of raw data. We collect it and forward it. The analysis——

Mr. BILIRAKIS. Is there more that you can tell us if this were a closed session regarding this entire picture?

Colonel MATHER. There are public, other things that others could tell you, yes, sir.

Mr. BILIRAKIS. Others could tell me. How about you? Again, you have been there 10 to 11 years. Is there more that you could tell us about what is happening in that entire area regarding this subject if we were in a closed session?

Colonel MATHER. Perhaps. I would like to point out though that my official function in this role is strictly overt. I am aware of some other things that are going on that are outside of my organization.

But the JCRC was established as an overt humanitarian organization, and we have no covert mission. I would like to make that very clear to you.

Mr. BILIRAKIS. Colonel, you have never, the JCRC, and as far as you know the DIA has never received any photographs of people who might be Americans—let's say they look like Caucasians—who might be Americans who had not been released? Basically you——

Colonel MATHER. I am not sure about the question, but we have received a number of photographs that are unidentified. We do not know who they are. They were alleged to be of Americans in captivity. I have received photos of that sort.

Mr. BILIRAKIS. And that has been in recent years?

Colonel MATHER. Yes, sir.

Mr. BILIRAKIS. And those you have forwarded on to DIA, and you have records. You keep records of everything, of all your forwarding and that sort of thing?

Colonel MATHER. Yes, sir.

Mr. BILIRAKIS. I do not know whether you make copies or you just have—you have logs and that sort of thing in other words.

Colonel MATHER. We have got them.

Mr. BILIRAKIS. All of the classifications, all of the identifications take place in Hawaii, right? You do not do any of that?

Colonel MATHER. The identifications of?

Mr. BILIRAKIS. Of remains, et cetera.

Colonel MATHER. Remains, yes, sir.

Mr. BILIRAKIS. That is all in Hawaii so you do not really have any.

Colonel MATHER. We have no function in that.

Mr. BILIRAKIS. All right, Mr. Chairman, thank you. Thank you, Colonel MATHER.

Chairman MURKOWSKI. Thank you. Colonel, I want to thank you very much. I believe you have travelled some 29 hours to be with us from Bangkok. Having made the trip myself, why I know what that does to certain parts of the posterior. So we kept you seated a good time today.

We very much appreciate your willingness to come before us and provide us with this sworn testimony. We will have questions for you in writing. So you should be alerted to that fact. Again, we thank you and wish you a good day.

Our last witness that is with us today who will conclude our testimony is Sergeant Major Benjamin Dennis, United States Army, Retired, from Fayetteville, North Carolina.

We are very pleased to welcome you, Sergeant Dennis, before the Committee. We appreciate the fact that you have seen fit to come up here at your own expense. Please be seated. We look forward to receiving your testimony, but before I do I do not want to forget to swear you in.

(Witness sworn.)

Chairman MURKOWSKI. Thank you very much. Please proceed with a statement if you have one. We have a few questions for you. We look forward to hearing from you. Do you have any statements, sir?

STATEMENT OF SGT. MAJ. BENJAMIN DENNIS, U.S. ARMY (RET.), FAYETTEVILLE, NC

Sergeant DENNIS. I could give you a rundown on just why I am up here. Okay, I left——

Chairman MURKOWSKI. Well, why don't you give us just a short rundown on why you think you are up here.

Sergeant DENNIS. Okay.

Chairman MURKOWSKI. All right? If we agree.

Sergeant DENNIS. I left Korea in August 1984 for an ROTC assignment in North Carolina. The middle of last summer the CID called me in and questioned me, and said that agents had checked that Special Forces Detachment in Korea——

Chairman MURKOWSKI. I wonder if your could speak closer, a little louder.

Senator DECONCINI. Yes, it is not easy to hear you.

Sergeant DENNIS. He said CID had checked Special Forces Detachment in Korea records and questioned the individuals on detachment. Then he started saying about a folder that Major Smith and McIntire had which was maintained in the safe. I said yes.

My operating sergeant and myself had the business of opening the safe and closing it every time they wanted documents. Well, later on he says what did you do with them? Did you destroy them?

So what happened, I told, I figured that—excuse me a minute.

I figured that nobody had said that they had destroyed them. So being protective of Major Smith which I was all the time under his command, I said I did.

Chairman MURKOWSKI. Did you destroy them?

Sergeant DENNIS. No, I did not, sir.

Chairman MURKOWSKI. Do you know who did?

Sergeant DENNIS. No, sir, but two weeks ago my intell sergeant was in TDY at Fort Bragg going to school. He came over the house, and I mentioned it to him. He says, well, hell, the operations sergeant and myself destroyed what was left of the records.

Chairman MURKOWSKI. Who was that that destroyed what was left of the records?

Sergeant DENNIS. Okay, Master Sergeant Chang and Sergeant First Class Woodfill. Sergeant First Class Woodfill, who was at the house has mentioned my name even.

Chairman MURKOWSKI. You did not destroy the records?

Sergeant DENNIS. No, I did not.

Chairman MURKOWSKI. Woodfill destroyed them, and?

Sergeant DENNIS. Master Sergeant Chang.

Chairman MURKOWSKI. And Sergeant?

Sergeant DENNIS. Master Sergeant Chang.

Chairman MURKOWSKI. Chang.

Sergeant DENNIS. Yes.

Chairman MURKOWSKI. And these were the rest of the records?

Sergeant DENNIS. Whatever records were left in the safe, yes, sir.

Chairman MURKOWSKI. Whatever were left in the safe.

Sergeant DENNIS. Right, sir.

Chairman MURKOWSKI. Do you know if those were all the records that were——

Sergeant DENNIS. I have no idea, sir. When I left the country, when Major Smith left the country those records were there. When I left the country those records were in there.

Chairman MURKOWSKI. All right. Well, do you know for a fact whether this was intentional to destroy the records or just a matter of cleaning the safe out when it was time to go?

Sergeant DENNIS. Cleaning the safe out I imagine.

Chairman MURKOWSKI. When it was time, that is what you suspect?

Sergeant DENNIS. Right.

Chairman MURKOWSKI. In talking with your friend whether it be Chang or, what was the other name?

Sergeant DENNIS. Woodfill.

Chairman MURKOWSKI. Woodfill.

Sergeant DENNIS. W-O-O-D-F-I-L-L.

Chairman MURKOWSKI. Did he indicate it was a matter in his opinion of cleaning out the safe as opposed to destroying the records?

Sergeant DENNIS. Cleaning out the safe, sir.

Chairman MURKOWSKI. What was happening at the time that the safe suddenly needed cleaning out?

Sergeant DENNIS. I was not there, sir. I do not know.

Chairman MURKOWSKI. Was there a change of command leaving the facility——

Sergeant DENNIS. All it was——

Chairman MURKOWSKI [continuing]. Leaving the safe behind or do you know?

Sergeant DENNIS. Well, it was only a four-drawer safe there, and there was a menagerie of all kinds of secret and confidential stuff.

Chairman MURKOWSKI. How long was it after Smith had left that the remaining material was destroyed?

Sergeant DENNIS. Well, we left or I left, and I do not know. I could not say, sir.

Chairman MURKOWSKI. Well, roughly?

Sergeant DENNIS. It was after I left.

Chairman MURKOWSKI. Okay, Smith left?

Sergeant DENNIS. In July.

Chairman MURKOWSKI. July of?

Sergeant DENNIS. And he hung around a couple of weeks. Then I left in August.

Chairman MURKOWSKI. A couple of weeks, and you left when?

Sergeant DENNIS. End of August.

Chairman MURKOWSKI. End of August, and you do not know when Chang and Woodfill——

Sergeant DENNIS. No, no, sir. I did not ask them. I should have asked them, but I did not.

Chairman MURKOWSKI. Well, you might ask them and submit it for the record.

Sergeant DENNIS. Right, sir.

Chairman MURKOWSKI. If you are so inclined, we would appreciate that.

Sergeant DENNIS. I will.

[The information referred to was not available at time of publication.]

Chairman MURKOWSKI. Do you know whether they were acting on anybody's orders, Chang and Woodfill, when they destroyed the material?

Sergeant DENNIS. No, I do not believe so, sir.

Chairman MURKOWSKI. Do you know what the material consisted of?

Sergeant DENNIS. Right, it was the POW/MIA thing that Major Smith and McIntire were working on. Okay, I will bring this out also.

When they started working on it, we had a couple of detachment meetings where Major Smith emphasized that it was a need-to-know basis only, himself and McIntire.

Chairman MURKOWSKI. You say they needed that.

Sergeant DENNIS. Needed to know, only them, right.

Chairman MURKOWSKI. Only them. Who made that determination?

Sergeant DENNIS. Major Smith.

Chairman MURKOWSKI. Major Smith said this is material for Smith and McIntire only?

Sergeant DENNIS. Right, need to know.

Chairman MURKOWSKI. And where did the material come from?

Sergeant DENNIS. I could not say, sir. I imagine from Thailand and different locations.

Chairman MURKOWSKI. Okay, who put it in? Is it fair to say that it was gathered by either Smith or McIntire?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. And was the safe under dual control? You said you had the responsibility of putting things in.

Sergeant DENNIS. Well, Major Smith had a combination. I had a combination and Master Sergeant Chang had a combination.

Chairman MURKOWSKI. Any one of the three could have gone in the safe at any time and removed things?

Sergeant DENNIS. Right, sir.

Chairman MURKOWSKI. Did Master Sergeant Chang have any interest in the material that was in the safe?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. Did you?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. So did——

Sergeant DENNIS. Well, naturally we did have interest in it, but——

Chairman MURKOWSKI. Well, when Smith left did he have any interest in this material?

Sergeant DENNIS. Well, he had xeroxed everything that was in there and also McIntire did. He had mentioned, he says, well, keep the rest in there.

Chairman MURKOWSKI. Which you have reason to believe it was all xeroxed or part of it or——

Sergeant DENNIS. I could not say, sir.

Chairman MURKOWSKI. If it was their material that they had gathered as a consequence of their own interest, why did they not take that with them when they left?

Sergeant DENNIS. I have no idea, sir.

Chairman MURKOWSKI. There were no particular instructions that Smith or McIntire gave you when they left?

Sergeant DENNIS. No, Major Smith mentioned keep it in the safe and that was it.

Chairman MURKOWSKI. And that was it. When you left, what were your instructions to Chang?

Sergeant DENNIS. Well, he changed the combination. When somebody leaves the detachment, you know, change the combination. That is about it.

Chairman MURKOWSKI. Were you consciously aware of Smith's and McIntire's activities related to the gathering of information on POW/MIAs?

Sergeant DENNIS. Well, I knew about it, sir.

Chairman MURKOWSKI. Did you participate in it?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. How do you know that they were involved in the gathering then? Was it just discussion around the office?

Sergeant DENNIS. It was only in that——

Chairman MURKOWSKI. Was a preoccupation of their interests?

Sergeant DENNIS. Right, it was only a nine-man detachment, sir, and you know obviously——

Chairman MURKOWSKI. What was your interpretation of the responsibility of that detachment, the mission so to speak?

Sergeant DENNIS. Well, it is the Republic of Korea. We took care of nine brigades, special force brigades.

Chairman MURKOWSKI. So did he have any association with——

Sergeant DENNIS. With the 501st also.

Chairman MURKOWSKI. But did it have any application into the MIA/POW issue, in the sense of a mission?

Sergeant DENNIS. Well, I never did ask Major Smith.

Chairman MURKOWSKI. In your own observation, you said it was a Korea mission responsibility, and yet you observed I assume Smith and McIntire in what an extracurricular interest?

Sergeant DENNIS. Right, sir, but I never asked them who gave, who delegated the task to them.

Chairman MURKOWSKI. Was that because I assume you were an enlisted——

Sergeant DENNIS. Right.

Chairman MURKOWSKI. And they were officers, and they were doing what they were doing, and you did what you had?

Sergeant DENNIS. Well, McIntire was under me, but I am not, you know—He would come in and talk to me once in a while, and said he was a little leary on stuff.

Chairman MURKOWSKI. What I am trying to define here is you had a responsibility.

Sergeant DENNIS. Yes.

Chairman MURKOWSKI. You knew what it was. It was a mission responsibility I assume dictated by the command. Did you have any indication that part of that responsibility had something to do with the MIA/POW issue?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. You made some comment about McIntire being leary of it. Could you expand on that a little bit?

Sergeant DENNIS. Well, him only a Sergeant First Class, and you have a big—he is going over there you know, over to Thailand setting up different lanes, and he started worrying a little bit.

Chairman MURKOWSKI. Who was giving him the authority to go over to Thailand to do these things?

Sergeant DENNIS. Major Smith.

Chairman MURKOWSKI. Why would not, in the chain of command since McIntire was under you, you have had something to say about it?

Sergeant DENNIS. Well, McIntire spent time in Thailand, 46th Company plus he spoke a couple dialects in Thai.

Chairman MURKOWSKI. Were you aware of any pictures that were kept in that safe?

Sergeant DENNIS. There were some pictures, sir, but do not ask me what they were about.

Chairman MURKOWSKI. They did not mean anything to you and you have no recollection of what allegedly they might have been?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. In your conversations with Woodfill and Chang did you discuss, or do you know whether they may have had any knowledge of what those pictures were?

Sergeant DENNIS. What Woodfill said to me was, he says it was only a few items left in the folder. So I do not know where the heck the rest of them went, sir.

Chairman MURKOWSKI. So you do not know if there was any dissipation of the materials from the time you left to the time whoever was there supposedly destroyed them?

Sergeant DENNIS. No, I do not, sir.

Chairman MURKOWSKI. Were you ever ordered not to look at it?

Sergeant DENNIS. He put the word out that the only one on need-to- know basis was himself and Sergeant First Class McIntire.

Chairman MURKOWSKI. Did McIntire have access to the safe?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. Did you ever open it and give it to McIntire at his request?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. You did.

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. Do you think it was kind of unusual that you as his superior officer would, you who had control of the safe and access to it, would not be able to look at it, yet your junior who did not have the combination of the safe had the authority to ask you to review the material?

Sergeant DENNIS. Well, that was his own bailiwick there.

Chairman MURKOWSKI. What is your understanding of the relationship between Smith and McIntire at the time that you observed this rather unusual situation where you were senior, vet——

Sergeant DENNIS. No, I knew what was going on, sir.

Chairman MURKOWSKI. Well, what was going on in your opinion?

Sergeant DENNIS. They were intell gathering on the POW/MIA.

Chairman MURKOWSKI. On their own, or did you——

Sergeant DENNIS. Within the detachment every time they went to Thailand.

Chairman MURKOWSKI. Did you have any idea who may have directed them to engage in such activities?

Sergeant DENNIS. I have no idea who tasked them.

Chairman MURKOWSKI. If anybody was ordering them to do so?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. Did they have a good deal of freedom and flexibility and time to do different things on their own?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. There were no inquiries as to whether their orders were from their commanding officers when they may have been in Thailand?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. And everybody seemed to think everybody was busy doing something. Why was there a reference to protecting Smith?

Sergeant DENNIS. Well, me being the Sergeant Major, he was my commander, and you protect your commander and he protects you.

Chairman MURKOWSKI. Well, that is normal, but what, you know in view of your sworn oath here, what was there to protect him from or of?

Sergeant DENNIS. Well, I knew there were documents in the safe. The agents, the CID agents said——

Chairman MURKOWSKI. What agents?

Sergeant DENNIS. CID agent said there was not any in the safe.

Chairman MURKOWSKI. Who said there was not any?

Sergeant DENNIS. The CID agent when he went to Korea said there were not in the safe. Everybody he questioned over there in the detachment said they did not destroy them, but I found out from Sergeant Woodfill when he was at the house, he said that well, no CID agent questioned him or Master Sergeant Chang or a couple other people that were involved which I did not know about at the time.

Chairman MURKOWSKI. So you were concerned.

Sergeant DENNIS. So I was concerned about Major Smith. People saying that there were not any documents in the safe. So I took the monkey on my back.

Chairman MURKOWSKI. And said that you had destroyed them?

Sergeant DENNIS. Yes.

Chairman MURKOWSKI. But you had not?

Sergeant DENNIS. Right, sir.

Chairman MURKOWSKI. That was the reference you were referring to to protect Major Smith?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. Have you had any contact or communication with Major Smith in the last year?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. Senator DeConcini?

Senator DECONCINI. Thank you, Mr. Chairman. Have you had any contact with Sergeant McIntire?

Sergeant DENNIS. I saw Sergeant McIntire one time for about three minutes.

Senator DECONCINI. What did you talk about?

Sergeant DENNIS. Hello, how are you.

Senator DECONCINI. That is it?

Sergeant DENNIS. Are you working?

Senator DECONCINI. Yes. When you decided to take it upon yourself to fabricate that you had destroyed the material in the safe when you had not, did Major Smith know that you did that?

Sergeant DENNIS. I think he did.

Senator DECONCINI. How did he know do you know?

Sergeant DENNIS. The CID agent.

Senator DECONCINI. Told him?

Sergeant DENNIS. I imagine so.

Senator DECONCINI. Were you ever ordered to by General Leuer, to destroy any material in the safe?

Sergeant DENNIS. No, sir.

Senator DECONCINI. Were you ever ordered by anybody to destroy any material in that safe?

Sergeant DENNIS. No, sir.

Senator DECONCINI. Did you ever destroy any material while you were there?

Sergeant DENNIS. No, sir, not of that MIA/POW stuff or of Major Smith's packet, no, sir.

Senator DECONCINI. So you destroyed some material, but nothing to do with the POW/MIA?

Sergeant DENNIS. Yes.

Senator DECONCINI. Now, you were in an outfit and there were only nine or 11 of you, is that right?

Sergeant DENNIS. Yes, sir.

Senator DECONCINI. Major Smith and McIntire were involved in the POW/MIA gathering of information, and you did not know what that information was?

Sergeant DENNIS. I knew what it was, sir, but as far as——

Senator DECONCINI. What was it, Sergeant? We would like to know.

Sergeant DENNIS. Well, sightings and what have you, but I did not see any photos of that. There were photos, but I did not physically look at them.

Senator DECONCINI. You did not physically look at them?

Sergeant DENNIS. No, sir.

Senator DECONCINI. How did you know what was there, by the conversations you had Smith?

Sergeant DENNIS. Conversations, yes, sir.

Senator DECONCINI. And McIntire?

Sergeant DENNIS. Yes, sir.

Senator DECONCINI. And you never opened up any of the envelopes?

Sergeant DENNIS. No, sir.

Senator DECONCINI. Were they ever opened up in the office or in the safe when you were there?

Sergeant DENNIS. Everything was in a large manila envelope, inside there. All I would do is just give it to them and that is it.

Senator DECONCINI. You would hand it to them, and then they would take it away from the safe?

Sergeant DENNIS. Yeah.

Senator DECONCINI. Take it away and look at, never look at in your presence?

Sergeant DENNIS. Yes, sir.

Senator DECONCINI. Yes, sir, what?

Sergeant DENNIS. But I would never look over their shoulder. They might be in the same room.

Senator DECONCINI. Yes, and did you hear them talk about what was in it?

Sergeant DENNIS. No, sir.

Senator DECONCINI. You did not?

Sergeant DENNIS. Well, I cannot recollect, sir.

Senator DECONCINI. Do you recollect them saying that there were photos there that showed Americans?

Sergeant DENNIS. No, I do not recollect.

Senator DECONCINI. Or anybody held in captivity?

Sergeant DENNIS. I do not recollect, sir.

Senator DECONCINI. You do not recollect.

Sergeant DENNIS. No.

There were photos in there, sir.

Senator DECONCINI. There were photos in there?

Sergeant DENNIS. Yes, sir.

Senator DECONCINI. And you do not know what the photos were, but you think they had something to do with the POW/MIAs or they would not have been in that envelope, right?

Sergeant DENNIS. Right, sir. Right, sir.

Senator DECONCINI. Do you have reason to believe that they might have been pictures of Americans held in captivity? Was that the feeling you had?

Sergeant DENNIS. That is the feeling I had, sir, yes.

Senator DECONCINI. Yes, and you never had any desire to go look at them?

Sergeant DENNIS. No, sir.

Senator DECONCINI. Was there any discussion in the unit, about what Smith and McIntire were doing in Thailand——

Sergeant DENNIS. Well, when Major Smith had those meetings, he said there was a need-to-know basis, so.

Senator DECONCINI. You were not included?

Sergeant DENNIS. No, sir. In case, the reason being so that it would just be two people involved. Why drag a whole detachment into it. I believe that is why Major Smith did it that way.

Senator DECONCINI. Did you know the CID agent that came to visit? You were gone by then is that right, or were you still there?

Sergeant DENNIS. I was gone, yes, sir.

Senator DECONCINI. But he came to see you later, is that right?

Sergeant DENNIS. Another agent.

Senator DECONCINI. Another agent?

Sergeant DENNIS. Yes, sir.

Senator DECONCINI. And he asked you if you destroyed the material?

Sergeant DENNIS. Yes, sir.

Senator DECONCINI. That second agent?

Sergeant DENNIS. Yes, sir. That is when he mentioned that the detachment people were questioned, and they all gave a negative answer. So then I took it on myself. I said I destroyed them.

Senator DECONCINI. Did that not bother you?

Sergeant DENNIS. It has been bothering me because of the reason Sergeant McIntire and Major Smith have been up here just saying, well, Sergeant Major Dennis destroyed them.

Senator DECONCINI. And actually you were doing it, you were saying—you did not do it, but you were saying it for their protection you thought?

Sergeant DENNIS. Right.

Senator DECONCINI. Why did you think they needed protection, Sergeant Dennis?

Sergeant DENNIS. Well, people might say there were not any documents in the safe, when there was.

Senator DECONCINI. You mean that somebody would say that there were not?

Sergeant DENNIS. Yes.

Senator DECONCINI. By you saying you destroyed them, you would substantiate that there were documents there?

Sergeant DENNIS. That there were.

Senator DECONCINI. And you did not think obviously by just saying, yes, there were documents, that that was enough?

Sergeant DENNIS. Right.

Senator DECONCINI. In retrospect would you do that again?

Sergeant DENNIS. No, sir.

Senator DECONCINI. It does not make a lot of sense why you would do it; if you would just say that the documents were there, and that is all they wanted to know. Why would you concoct a story to say that you had destroyed them?

Sergeant DENNIS. Well, Major Smith was not too well liked over there by different individuals, and———

Senator DECONCINI. Who did not like him?

Sergeant DENNIS. Well.

Senator DECONCINI. General Leuer?

Sergeant DENNIS. General Leuer was one.

Senator DECONCINI. How did you know that? Did you know that from Major Smith?

Sergeant DENNIS. Yes, by Major Smith, yes.

Senator DECONCINI. And others?

Sergeant DENNIS. Correct.

Senator DECONCINI. Well, was there anybody else over there that you thought did not like Major Smith?

Sergeant DENNIS. Well, there is too numerous of names. [Laughter.]

Senator DECONCINI. Too numerous? Well, can you give me four of them? [Laughter.]

Sergeant DENNIS. Major Smith meant well.

Senator DECONCINI. Yes, I think he did.

Sergeant DENNIS. He stepped on some toes.

Senator DECONCINI. He stepped on toes. Do you think those toes he stepped on were in relation to this MIA/POW question or was it just his general demeanor and manner?

Sergeant DENNIS. Yeah, his personality, sir, right.

Senator DECONCINI. His personality.

Sergeant DENNIS. Right.

Senator DECONCINI. You do not remember it being specifically related to MIA/POW issue?

Sergeant DENNIS. No, no.

Senator DECONCINI. Mr. Chairman, I have no further questions. Thank you, Sergeant, very much.

Chairman MURKOWSKI. Thank you very much, Senator.

Representative Bilirakis?

Mr. BILIRAKIS. Thank you, Mr. Chairman. Sergeant Dennis, did you serve in Vietnam?

Sergeant DENNIS. Yes, sir.

Mr. BILIRAKIS. Well, having served in Vietnam I would imagine then you must be in the same category as all of the others who served in Vietnam, and they have a stronger feeling for the MIA/POW issue than the average person. Is that true?

Sergeant DENNIS. Right. I was fortunate enough. I came out of the woods in Okinawa, and the next day I was on the Philippines on Operation Homecoming when Alvarez came in and a few other ones.

Mr. BILIRAKIS. Yes, all right, but would you agree that you had the same kind of feeling that any Vietnam, any person who served in Vietnam would have had?

Sergeant DENNIS. Yes, sir.

Mr. BILIRAKIS. All right. Then is it not unusual that you did not have any more of an interest in what Major Smith and Sergeant McIntire were doing on the MIA/POW issue knowing that they were doing something on it?

Sergeant DENNIS. Yes, I was interested, sir, but Major Smith said only the need-to-know, him and them, and I did not question it. I did not——

Mr. BILIRAKIS. You do not question a major, huh?

Sergeant DENNIS. Right, sir.

Mr. BILIRAKIS. How long did you serve with Major Smith?

Sergeant DENNIS. I believe he came to the detachment in 1981.

Mr. BILIRAKIS. In 1981?

Sergeant DENNIS. 1981, right.

Mr. BILIRAKIS. For what, for about two years then?

Sergeant DENNIS. 1984 we left.

Mr. BILIRAKIS. Two years with Major Smith. All right, was he during that entire two-year period of time involved in this matter, the MIA/POWs the leaving and going almost without notice to Thailand, et cetera?

Sergeant DENNIS. Not at the beginning, sir.

Mr. BILIRAKIS. Not at the beginning. When would you say he first started?

Sergeant DENNIS. Oh, I cannot recollect, sir.

Mr. BILIRAKIS. You cannot even guess, I mean approximate?

Sergeant DENNIS. Okay, let's see 1982. The beginning of 1983.

Mr. BILIRAKIS. The beginning of 1983.

Sergeant DENNIS. Somewhere around there.

Mr. BILIRAKIS. How often—did Sergeant McIntire usually go with him when he took off and went to Thailand?

Sergeant DENNIS. Yes, sir, and also Sergeant First Class Woodfill.

Mr. BILIRAKIS. And also what?

Sergeant DENNIS. Sergeant First Class Woodfill.

Mr. BILIRAKIS. Woodfill also went with him?

Sergeant DENNIS. Yes, sir.

Mr. BILIRAKIS. Well, that is the first time I heard that. How often did they do this would you say about? I know we are going back a little ways and what not, but——

Sergeant DENNIS. About once every three months, sir.

Mr. BILIRAKIS. Once every three months.

Sergeant DENNIS. Yes, sir.

Mr. BILIRAKIS. Well, Sergeant McIntire was under you, did he not have a job in Korea that nobody was doing since he was gone all the time?

I realize, sir, you know there is a certain amount of loyalty. They are your comrades and that sort of thing.

Sergeant DENNIS. We had to buckle down and take care of his brigade. He was assigned a brigade so somebody else had to take care of his roster.

Mr. BILIRAKIS. Nobody ever raised the question as to who directed or authorized these people to be doing this? They would just get

up and leave, and nobody even raised the question under what authority or whatever?

Sergeant DENNIS. No, sir.

Mr. BILIRAKIS. Is—and there is a hearing on the nuclear plant explosion in Russia in one of my other committees in the House, so I do want to get there, but accountability, Sergeant. Who was responsible for keeping the personnel records, the accountability records, what I in prior hearing called the 'morning reports',which now may be called something else because I was in a long time ago—Who was responsible for that?

Sergeant DENNIS. We had an admin man and MILPERCEN.

We had an admin man who worked in the detachment, sir. He took care of the records.

Mr. BILIRAKIS. All right, did those go through you? Did those records go through you when they—they were prepared on an everyday basis which accounted——

Sergeant DENNIS. Well, there is no more—MILPERCEN handles it, sir. All our drops. There's no more morning reports.

Mr. BILIRAKIS. I would say it is all Greek to me, but that would not be true because I would understand if it were.

Sergeant DENNIS. Right. If somebody went on leave, we would call them, you know, the personnel office and let them know somebody went on leave or if they came back. Or if somebody went TDY, naturally orders were cut

Mr. BILIRAKIS. Well, but somebody has got to have records of where so and so was at what particular period of time. We have not gotten away from that completely.

Sergeant DENNIS. Your TDY, temporary duty orders, you have a breakdown of time schedules, your leave. You know where he is at and when he comes back.

Mr. BILIRAKIS. All right, what you are saying is that your records there in Korea, your particular post would have the records that these people be listed under TDY?

Sergeant DENNIS. Yes, sir.

Mr. BILIRAKIS. Okay, but then they would be picked up somewhere else would they not?

Sergeant DENNIS. Yes, sir.

Mr. BILIRAKIS. At their temporary duty station. I wonder where that would have been. Where would they have been picked up there?

Sergeant DENNIS. No, not necessarily, sir. They would not be picked up.

Mr. BILIRAKIS. They would not be picked up anywhere?

Sergeant DENNIS. No.

Mr. BILIRAKIS. These people could have just somehow gotten a hop to San Francisco and gone to San Francisco, and nobody would have questioned it?

Sergeant DENNIS. Oh, no. They needed the receipts, sir. They need where they are staying, hotel receipts, anything like that to verify if they spend any money, they get it back, get some back.

Mr. BILIRAKIS. All right, did they spend any money in Bangkok? Did they submit any receipts for expenditures there do you know?

Sergeant DENNIS. I do not know if they did, sir. I am not sure. Well, they stayed at the Windsor Hotel. The Windsor Hotel is in Bangkok. So they had some receipts from there.

Mr. BILIRAKIS. Okay. Well, all right. Would you have more that you might be willing to tell this Committee if this were an executive, a closed session and not an open session?

Sergeant DENNIS. Yes, sir.

Mr. BILIRAKIS. Pardon me?

Sergeant DENNIS. Yes, sir.

Mr. BILIRAKIS. There would be more. Thank you, Sergeant. Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, Mike. Just a couple more questions, Sergeant, and we will be finished.

Do you know whether Sergeant Smith wrote his own travel orders, or Major Smith, excuse me? In effect, did he have the authority to write his own travel orders?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. They did not necessarily have to be approved by General Leuer?

Sergeant DENNIS. They had to go to Colonel Haupt. He was special troops commander.

Chairman MURKOWSKI. You physically observed that process?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. And Smith could take McIntire whenever he wanted to go?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. They basically had that authority. Do you know what the terms were when Smith left the unit? Was it he just left? He was transferred, or was it any activity associated with General Leuer, or what was the conversation when he left?

Sergeant DENNIS. With who, sir?

Chairman MURKOWSKI. Major Smith when he left?

Sergeant DENNIS. Major Smith and who?

Chairman MURKOWSKI. Well, when Major Smith left was there anything significant about his leaving? He was just transferred out?

Sergeant DENNIS. He stayed in the country a couple extra weeks.

Chairman MURKOWSKI. He stayed in the country.

Sergeant DENNIS. In the Republic of Korea.

Chairman MURKOWSKI. Okay. As a military officer, he was still in the Service at that time?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. Okay.

Sergeant DENNIS. He was taking a leave, two weeks leave.

Chairman MURKOWSKI. He took leave. What did he do, just relax?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. As far as you know he was not involved in any MIA/POW issue?

Sergeant DENNIS. No, no, sir.

Chairman MURKOWSKI. Now, to your knowledge this revelation where you have acknowledged that you did not destroy the records, this is the first time that that has come out in any public testimony?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. Do you know whether Major Smith was aware of who destroyed the records or the disposition of the records?

Sergeant DENNIS. No, he did not know, and I believe that when I made a statement to the CID that I did, that is when he more or less thought I did. I have never seen him to more or less say that what I did for him, you know.

Chairman MURKOWSKI. All right, but then we can conclude that Smith may have assumed indeed that you had destroyed the records?

Sergeant DENNIS. Yes.

Chairman MURKOWSKI. And you have no reason to think that Smith knew that you did not destroy the records?

Sergeant DENNIS. I do not know why he would think it unless he read it.

Chairman MURKOWSKI. Okay. Well, I want to make sure we understand this question because I think it is an important one. For all practial purposes you would assume that Smith assumed that you had destroyed the records. Is that correct?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. How about McIntire? Did McIntire know who destroyed the records?

Sergeant DENNIS. No, he did not, sir.

Chairman MURKOWSKI. He did not.

Sergeant DENNIS. No, sir. Well, evidently Major Smith and Sergeant McIntire got the same information, the CID agent saying that I had said that I had destroyed the records.

Chairman MURKOWSKI. And you assume that that is how McIntire knew the disposition of the records?

Sergeant DENNIS. Yes. Yes.

Chairman MURKOWSKI. You live in Fayetteville?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. How big a community is it?

Sergeant DENNIS. Oh, about 20,000.

Chairman MURKOWSKI. 20,000.

Sergeant DENNIS. Plus, plus military.

Chairman MURKOWSKI. How long have you lived there?

Sergeant DENNIS. I bought the house when I came back from Okinawa in 1974, and oh, about eight years, seven years.

Chairman MURKOWSKI. Now, does Major Smith live in Fayetteville?

Sergeant DENNIS. No, he does not, sir.

Chairman MURKOWSKI. Do you know where——

Sergeant DENNIS. He might be staying there now. I heard he was.

Chairman MURKOWSKI. Well, I heard he was too. You have no knowledge of how long?

Sergeant DENNIS. No, sir, I have not seen him.

Chairman MURKOWSKI. And you have not seen him.

Sergeant DENNIS. I have not talked to him on the——

Chairman MURKOWSKI. Well, it is necessary for the record to reflect that we should find out how long he has lived there.

Tell us—this is my last question. You have been very gracious with your time and responses, but could you help us perhaps better understand the relationship between Smith and McIntire. Were they buddies? Were they kind of devil-may-care types or were they intense about common interests? Were they soldiers of fortune?

You observed their activities which I assume took a good deal of their effort and interests. I do not know whether there was not enough to do in your particular detachment, but it seems like some of your people had time to pursue other interests.

If they were over in Bangkok every three months or so, why it took some time, and somebody else had to pull the load or else the load was not too great. Could you kind of characterize their relationship and their interests and how that friendship formed where Smith would come down to the Sergeant and establish that kind of a rapport?

Sergeant DENNIS. See Major, Sergeant McIntire spent time in Thailand. He could speak the language plus use——

Chairman MURKOWSKI. He spoke the language.

Sergeant DENNIS. He spoke the language.

Chairman MURKOWSKI. He spoke Thai.

Sergeant DENNIS. He spoke a couple of dialects, and also he was a very good solider, professional soldier.

Chairman MURKOWSKI. How about Smith?

Sergeant DENNIS. What about him?

Chairman MURKOWSKI. Well, did Smith need McIntire for his language capability?

Sergeant DENNIS. Well, Major Smith needed McIntire.

Chairman MURKOWSKI. Were they drinking buddies?

Sergeant DENNIS. No, sir.

Chairman MURKOWSKI. Did they spend most of their off time together?

Sergeant DENNIS. Major Smith did not fraternize with the enlisted on drinking like that. He would come over to my house, and what have you, but as far as, you know, going out and party down in the villa, or anything like that, no.

Chairman MURKOWSKI. But, yes, you just said they travelled together, and I assume then from the capability, the language capability that McIntire had, that Smith depended on him to perform certain communications.

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. Was that kind of the relationship?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. Did McIntire do what Smith told him to do or did they just kind of make decisions jointly, or were all their decisions made by Smith?

Sergeant DENNIS. Well, Major Smith would always listen, but he was a commander. You could always, you always asked for his suggestion. Major Smith always gave you the suggestion.

Chairman MURKOWSKI. Well, in your observation did Smith say to McIntire we are going to go to Bangkok in three months, or we are going to do this or we are going to do that?

Sergeant DENNIS. Right. Yes, sir.

Chairman MURKOWSKI. So he more or less set the policy.

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. And McIntire went along and made his contribution?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. Would you characterize them as soldiers of fortune? That can mean different things to different people, but——

Sergeant DENNIS. No, they were professional soldiers.

Chairman MURKOWSKI. They were professional soliders, real dedicated, committed, but they had this extraneous interest in the MIA/POW issue obviously?

Sergeant DENNIS. Yes, sir. Yes, sir.

Chairman MURKOWSKI. It was represented in the file that they maintained. Do you know if they ever made reference to the file before going to Bangkok on a mission?

Sergeant DENNIS. Yes, sir.

Chairman MURKOWSKI. They brought back, and so forth.

Senator SPECTER. Would the gentleman yield while you are reading that, sir?

Chairman MURKOWSKI. Yeah, I am through because I have got to vote, and I am going to leave quickly.

Senator SPECTER. Yes, sir. Regarding Woodfill, it was sergeant?

Sergeant DENNIS. Sergeant First Class.

Senator SPECTER. All right. He did not have the right to know though. Only McIntire and Smith had the need to know that you referred to?

Sergeant DENNIS. He would always go on—in fact Sergeant Woodfill mentioned that he was always on every trip.

Senator SPECTER. He was always—did you not ever sit down, you or anybody else sit down with Sergeant Woodfill and discuss these trips since he was not in the need-to-know category? I mean was——

Sergeant DENNIS. Oh, yeah, we discussed it.

Senator SPECTER. You did.

Sergeant DENNIS. Like the question you asked before about would I feel more secure.

Senator SPECTER. Well, you did discuss those with Sergeant Woodfill then?

Sergeant DENNIS. Yes, sir.

Senator SPECTER. And he went on these trips? In fact you just repeated again, you said, he always went on these trips with him. Thank you very much, Sergeant.

Chairman MURKOWSKI. Thank you, Sergeant. You have been most helpful, and we do appreciate the fact that you have seen fit to come here on your own expense. We appreciate your offer to testify further before a closed session. We wish you a very good day.

The hearing is concluded for today. We will have another hearing on the 15th of May. Thank you very much.

[Whereupon, at 2:02 p.m., the committee recessed, to reconvene Thursday, May 15, 1986.]

"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

WEDNESDAY, JUNE 25, 1986

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:11 a.m., in room SD-562, Dirksen Senate Office Building, Hon. Frank H. Murkowski (chairman of the committee) presiding.

Present: Senators Murkowski, Thurmond, Denton, and DeConcini.

Also present: Representatives McEwen and Bilirakis.

OPENING STATEMENT OF CHAIRMAN MURKOWSKI

Chairman MURKOWSKI. Good morning.

I would like to welcome you to our hearing today. This is the fifth in a series of hearings covering MIA/POWs from the Vietnam theater.

The purpose of this hearing is the continuation of the series investigating the possibility that American servicemen are still missing in Southeast Asia.

The purpose of our examination continues to be to provide an opportunity for any individuals to come before this committee to offer information relative to those missing in action. I would hope that this will allow us to continue to develop a clearer picture, in order to obtain a satisfactory and timely resolution.

This, of course, has not been an easy task. It is a troubling one for those who are survivors of those missing in action. However, since January we have heard from more than a score of witnesses, each witness imparting to us a personal observation or an opinion, each sincerely attempting to shed some light on this topic.

I remain, as well as my colleagues on the committee, convinced that there is more than a reasonable possibility for live Americans to still be held in some capacity against their will in Southeast Asia. However, I think it is the consensus of the committee that we have not reached any final conclusion, in spite of all of the information that has been offered to us at this date.

The facts are, we still have not been provided indisputable evidence that Americans are being held against their will in Southeast Asia.

We feel the evidence must be more than just wishful thinking or speculation; we need hard facts that will satisfy the people who

really need to know the truth, and those are the families of those missing in action.

We have had a change in our hearing this morning on the witnesses who are scheduled to testify. First of all, Major Smith stated under oath that evidence that he possessed or so indicated, would prove beyond a doubt that there are, or at the very least until recently, Americans still being held against their will in Southeast Asia.

Now, Major Smith agreed to provide this evidence within a week of the hearing held in January of this year. We have not heard from him until very recently, and for an extended period of time we have been dealing through his attorney.

I have been told that Major Smith has been traveling in Southeast Asia, in an effort to obtain information on American POWs. I regret that his response has been so long in coming, because obviously we are concerned about each passing day and the possibility of Americans remaining alive in captivity grows more difficult with each passing day.

At our last hearing, the committee voted unanimously to authorize the issuance, the first issuance, of a subpoena to compel the attendance of Major Smith and Sergeant McIntire and to require the presentation of evidence which they claim to have on POWs, and of course agreed to furnish to our committee.

Now, the subpoena was not served, in order to give both Smith and McIntire an opportunity to testify voluntarily, after communicating through their attorney.

On June 20 I received a letter from Smith's attorney, which I would like to read into the record at this time. This letter is dated June 20, directed to my attention,

Senator Frank Murkowski, Chairman of the Veterans' Affairs Committee.

Dear Senator Murkowski: This is to confirm receipt of your letter of 9 June 1986, which confirms the availability of Maj. Mark A. Smith (Ret.) to testify before the Senate hearing on Veterans' Affairs on June 25, 1986, at 9:00 a.m. It is also my understanding that the hearing will be held in SD-562 of the Dirksen Senate Office Building.

Although Maj. Smith has been in Southeast Asia for the past 60 days, I have read the contents of your 9 July 1986 letter to him telephonically, and, as I expected, Maj. Smith has agreed to appear at this date, time, and location.

On behalf of Maj. Smith and Sgt. 1st Class McIntire and many others who are interested in resolving this problem of Americans missing in action in Southeast Asia. We appreciate your sincere interest and the efforts of your staff.

Signed, Sincerely, Mark L. Waple

It is my understanding that Mr. Waple is an attorney for Major Smith.

Obviously, I am very concerned by Major Smith's disregard of the committee process, because Major Smith is not here today. We understand that he was to have been in New York yesterday and maybe in Washington at this time, leaving Washington.

I have asked the U.S. Marshals to forthwith locate and serve the outstanding subpoena on Major Smith and Sergeant McIntire, although I understand Sergeant McIntire is currently out of the country.

It appears that Major Smith may have had some difficulty with the information that he claims to have had, under oath, possessed, because his attorney, whom we talked to this morning, stated that

the Major was counting on one John Obassy, or a Robert Gregson, to provide all of the promised information, according to the attorney. And we understand Gregson, alleged Obassy, has refused to provide anything even to Major Smith. Whether or not Major Smith ever had anything, of course, is something that I would suggest my colleagues address. But indeed, it seems rather unusual that we would have a witness up until a few minutes prior to the hearing, and then be advised that the witness who allegedly is in Washington is leaving. We understand unofficially that Obassy—Gregson—is in North Carolina. He allegedly refuses to testify, because he claims that the press has been unmercifully misunderstanding of his particular attitude toward this matter.

So, I would share with my colleagues the current status of our hearing today. I have been given the subpoena notices and my understanding is that they are being served at this time.

I would like to continue, however, for we do have before us today William R. Maples, who is the Curator of Physical Anthropology at the University of Florida's State Museum. Dr. Maples was retained by the United States Army to evaluate the procedures used by personnel at the Army's Central Identification Laboratory in Hawaii.

The Identification Laboratory has the responsibility for identifying the skeletal remains which are reported to be American Servicemen returned to the United States by the Vietnamese and Lao Governments.

Serious concerns have been raised by family members and others regarding certain identifications made by the CIL. The Laboratory is alleged to have provided identification of certain remains that cannot be scientifically substantiated.

In part because this issue is tied to the POW investigation, but principally because the ethical and moral implications are so acute, we are seeking answers to these questions, questions which originally were made when it was discovered that certain identifications were made using bone fragments which, under accepted scientific means, would not prove positive identification.

The charts which we are going to display will help us to understand the extent of the remains which were used to provide positive identifications of the disputed cases. The CIL is capable of remarkable work, which we will observe; however, science is still grounded by certain limitations.

Did the CIL, in an effort to fulfill and a desire to reach closure on all remains, go beyond its scientific ability in identification? Well, that is a question that we intend to pursue this morning, and of course Dr. Maples will be able to offer insight on the laboratory's function, and others.

We also have a panel of witnesses representing the Central Identification Laboratory that will respond to Dr. Maples' testimony.

I think it is vital that the Laboratory operations be of the highest standards and ethics, and I am sure that those dedicated men and women who work in that facility harbor the same conviction.

We need to, obviously, continue our efforts to bring to a resolve the disposition of the POW/MIA issue. I want to apologize to those of you who anticipated—particulary my colleagues on the committee—that we would make a significant step forward by having the testimony of an individual who allegedly had had first-hand infor-

mation. We will continue to pursue this through the legal process of the subpoena, and undoubtedly, gentlemen, we will have to schedule another hearing to address the disposition of this.

It would be my recommendation that we at least consider the date of July 2, depending upon the Senate's schedule and the House schedule, to make the accommodations, assuming that we are successful in the subpoena process.

I would like to now call on the members of the committee for opening statements or any statements they would care to make. I would call on our senior member, Senator Strom Thurmond.

Senator Thurmond?

OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Chairman, once again, let me commend you for holding these hearings.

Chairman MURKOWSKI. Senator DeConcini?

OPENING STATEMENT OF SENATOR DeCONCINI

Senator DECONCINI. Mr. Chairman, let me join the President pro tem Senator Thurmond, in thanking you for continuing these hearings. I think it is a struggle for all of us to continue to address this issue, with so many ambiguities, and I appreciate your commitment and that of the staff. And I want to thank you, also, for taking the leadership in signing the subpoenas for Mr. Smith and Mr. McIntire and proceeding with that. I think it is absolutely necessary.

You offered an excellent suggestion some months ago that we have a roundtable or square table meeting with all of the following people with contradictory positions—General Leuer, General Moore, Colonel Howard, Colonel Smith, and Sergeant McIntire. I thought that was an excellent idea. For some reason, probably scheduling problems as much as anything else, we were unable to do that. So I think it is absolutely necessary that we have the testimony of Major Smith.

I am not anxious to do any damage to Major Smith, but I think we have issues here before us as to the integrity of several generals, the integrity of a lieutenant colonel in the active service today, and certainly the integrity of Mr. Smith and Mr. McIntire.

I am aware of the very strong letter that Congressman Hendon sent to the Chairman regarding Mr. Obassy and the committee's alleged exposure of Mr. Obassy; but that was common knowledge, by this senator, at least, and I regret it if there is any indication on the record that this committee did anything to obstruct the possibility of obtaining information from Mr. Obassy. It was certainly not our intent, and the information was already there and available in the press.

I believed Mr. Smith when he testified under oath that he had seen information that, in his mind, indicates that there are living Americans in Southeast Asia, and that, in his mind, our government, including his superiors, may not have done everything that it could to release them.

But I think it is important for him to face and address this problem, just as it is important for us to face and address this problem and come to our own conclusions. Thank you very much.

Chairman MURKOWSKI. I would like to call on my two House colleagues. While this is a Senate Veterans' Affairs hearing, these two gentlemen were invaluable to us and accompanied us on our mission to Vietnam, the purpose of which was to address the MIA/POW, and they have been with us at each of our Senate hearings.

Gentlemen, your input has been extremely significant. I welcome you this morning, Representative Bilirakis and Representative McEwen. You may proceed in any manner you so wish.

OPENING STATEMENT OF REPRESENTATIVE McEWEN

Mr. MCEWEN. Thank you, Mr. Chairman.

Just very quickly, I want to express again how deeply grateful I am for the generosity that you have extended to us to allow us to participate in these hearings.

Second, I want to express my admiration for the diligence with which you have pursued these questions, which are so vital to so many families in our country. And whenever we have encountered the type of contradictory testimony that we have experienced during the course of these hearings, your willingness to go into closed session, your willingness to meet privately with the parties involved, your willingness to accommodate in any manner possible the pursuit of the truth in this matter is something that I believe deserves commendation from us all.

I, too, share the disappointment expressed by the Senator from Arizona and others that our key witness is not here today, and yet I believe that this committee has done what is right to bring us to this point, and it is only logical that we can now begin to form some conclusions as to whether or not this information exists and in which direction we go from here.

Chairman MURKOWSKI. Thank you, Representative McEwen.

Representative Bilirakis?

OPENING STATEMENT OF REPRESENTATIVE BILIRAKIS

Mr. BILIRAKIS. Thank you, Mr. Chairman.

First, sir, I would like to welcome on behalf of myself and this committee Dr. Maples from my home State of Florida and from my home university, as a matter of fact, from the university that I and all members of my family attended.

I would like to endorse the comments of my colleague, sir, and also to strongly thank you and express my appreciation for your persistence, perseverance, and caring, and I emphasize that word, in wanting to continue these hearings.

I am, like you and the rest of the members, concerned greatly that efforts may have been made to close the books in some cases without factual evidence. Even though we are anxious for answers, we want the truth above all else, and nothing less. I think, in addition to our quest to determine whether there are any live MIA/POWs there, and finding them and getting them back home, we are certainly very much concerned with this area.

Mr. Chairman, I don't know what we can do to convince Major Smith and Sergeant McIntire and some of those others of our sincere interest in this. It is certainly not politics, it certainly is not grandstanding on our part. I, too, was looking forward to seeing Mr. Smith here, and he has let us down.

I certainly welcome any future opportunities to get together with him and some of the others.

Thank you very much.

Chairman MURKOWSKI. Thank you very much, Representative Bilirakis.

Gentlemen, I think it important, before we call our witness, to reflect on the appropriate action to take beyond the subpoena, with regard to our direction.

Obviously, we are down to the remaining witnesses. Senator DeConcini has suggested that we pursue the discussion of those that are involved in the alleged misinformation flow. I would certainly support that, Senator DeConcini. At an appropriate time I think it would be probably a priority to continue and hopefully resolve by having the testimony of Major Smith first, and at that time or after that make a determination of what the next move should be, whether we should try to get all parties together to address their own opinions.

Senator DECONCINI. I have no objection, Mr. Chairman.

Chairman MURKOWSKI. That would be my intention, then, subject to individual input.

I would like to proceed additionally with a couple of other items. I would like to insert in the record communications that I had with Representative Bill Hendon. There appears to have been some misunderstanding with regard to the role of the House Members. Obviously, this is a Senate Committee hearing.

Early on we invited all interested parties that cared to testify to testify. House Members indicated an interest in this process. They were, again, extended an opportunity to testify. The reason that two members are with us on the dais, Representative Bilirakis and Representative McEwen, is obviously they made the trip, and I think it was unanimous consent among my Senate colleagues that they be included as part of the hearing process and the hearing function. But it was also decided that other Members would be given the opportunity to testify but not necessarily the opportunity to become a part of the committee.

Now, there has been some concern over that, so I wanted to make sure that everyone understood that we would certainly welcome any testimony that any other Member of Congress cared to make to this committee.

[The communications referred to appear on p. 251.]

Chairman MURKOWSKI. There is a letter between myself and Representative Bill Hendon. The first letter was dated May 6, and it concerns certain allegations concerning the divulgence of the true identity of one John Obassy during an open session. I would ask unanimous consent that this letter from Mr. Hendon be entered into the record and my response dated May 8, along with a reference as follows:

Mr. Gregson's identity was revealed some time ago in an internationally available publication, a copy of which I am attaching.

And I am attaching that copy, which appears in an issue of the Insight Magazine, April 28, 1986, prior to our hearing, and the reference is made,

> But the defense official says Obassy is a British con man named Robert Gregson, which is known widely to law enforcement officials in Southeast Asia.

Gentlemen, I would ask unanimous consent that those letters be a part of the record.

[The letters referred to appear on p. 253.]

Chairman MURKOWSKI. Without objection, we will proceed with our hearing, and I have a short statement regarding the remains issue.

I think it is important to gain a perspective of what is being referred to when one speaks of "human remains." In order to accomplish this, I have obtained enlarged sketches which indicate the extent of the remains used to identify those missing in action from an aircraft recently excavated at Pakse, Laos.

Now, we are not talking about complete human skeletons, as I understand it. In some cases the Central Identification Laboratory will have the task of examining over 50,000 fragments of human bones from a single aircraft crash site. As you can see, not all of those fragments can be attributed to any one individual.

I make these points specifically for two reasons: First, the task of identification of remains of men who have been missing, in some cases over 20 years, is a very difficult one. The Laboratory must be commended for much of the work it has done over the years.

The second point, however, is that in some cases it may be impossible to make positive identification utilizing accepted scientific means, regardless of the expertise and capability of the individual and the lab personnel.

The question has been raised time and time again, whether it is acceptable to deviate from science in order to make identifications of our missing men. When answering that question, one must also consider the limitations placed on our ability to obtain the fullest possible accounting of our missing men if we do not incorporate identification methods which have not been accepted by the scientific community. This presents, I think, the dilemma which I hope Dr. Maples will focus on today.

I would intend to ask Dr. Maples to use the charts as he sees fit. I don't know whether the lights are adequate, but we will attempt to do the best we can.

With that, I would proceed with you, Dr. Maples. I look forward to your statement and addressing the questions that have been brought up in my introductory remarks concerning your extraordinary area of expertise and responsibility.

Please proceed.

STATEMENT OF DR. WILLIAM R. MAPLES, CURATOR OF PHYSICAL ANTHROPOLOGY, FLORIDA STATE MUSEUM, UNIVERSITY OF FLORIDA, GAINESVILLE, FL

Dr. MAPLES. Thank you, Mr. Chairman.

First of all, I must apologize. I was just told a few moments ago that I would make an opening statement, and I don't have one prepared. But, here we go.

The three of us, Dr. Eilis Kerley, chairing the committee, myself, and Dr. Lowell Levine, a forensic dentist, were asked by the Army to go to the CILHI, the Central Identification Laboratory in Hawaii, and evaluate its procedures, its staff, and so forth.

A number of inquiries had been made to most of us already on that committee from other sources, that perhaps problems existed there, particularly in relation to one incident, the crash at Pakse and the identification of those remains.

We went, and our three independent reports, written after consultation with one another, were very similar in findings. And those findings basically were that we were given every opportunity by the Army while we were there, in the very limited time that we were given, to make any inquiries of any unclassified information, and all of our inquiries were met openly and with maximum cooperation. I still am very impressed with the cooperation that we received while we were at the Laboratory.

The staff at the Laboratory is, without doubt, extremely dedicated to the mission of the Lab, and that is to identify the remains of military personnel, identify them correctly, and to do so in a dignified and proper manner.

The incident at Pakse seems to be quite different in its overall nature from everything else that goes to the Laboratory.

First of all, Pakse was, indeed, an unusual situation in the amount of destruction of the skeletal remains. The aircraft concerned was a gunship that was apparently hit in mid-air, exploded into a fireball. Two individuals were rescued after parachuting after the plane was hit. This occurred at night.

Chairman MURKOWSKI. Can you identify where that was, doctor, roughly?

Dr. MAPLES. It is in Laos, and I'm not a geographer; I only had the roughest sketches. It is in central Laos, just in from the label of Vietnam and Laos. I'm sure the witnesses following me who actually participated in the excavations there will be able to show you much better than I where the excavations took place.

Chairman MURKOWSKI. That's fine.

Dr. MAPLES. All of us, or many of us, in forensic anthropology deal with massively destroyed human remains. In one case that I am working on now in my home county in Florida, we have two individuals who burned in a shack, after apparently a murder-suicide. And the conservative estimate of those remains is that we have at least 10,000 fragments. Now, both of those individuals I am now confident will ultimately be positively identified; but I have been working on those two sets of remains now for a year and a half, and I have excellent documents on both individuals in terms of x-rays taken during their lifetimes—good dental records, and so forth.

In the case of the military personnel in Pakse, military records were adequate for identification, but the remains were just totally destroyed, virtually.

All three members of the committee, looking at the documentation, and documentation alone, that existed in the Lab during our visit, agreed that two of the individuals could have been positively identified from dental evidence. This is two out of 13 or actually 14 individuals.

The rest of the material was basically unidentifiable. There is no technique known to science or even suggested to science that could have identified the remainder of those individuals. It is possible one or two could be with additional work, by gluing fragments of teeth together, and so forth; but, as the evidence has been presented in the documentation at CILHI, they are unidentifiable.

We pointed out in our report to the Army—all three of us, I believe, independently pointed out—the material was unidentifiable in the majority of individuals and that we couldn't prove a mistake was made, because you can't say a mistake has been made when something is unidentifiable.

Several times lately I have heard a statement that, "Well, the committee says no mistakes were made." If you have an unidentifiable fragment, a bone, I can't prove that it has been attributed to the wrong individual.

How many individuals were present on that plane? I said that 16 were on the plane when it was hit; two were rescued, a part of the body of another individual was blown out at the time of the explosion. An arm was found. It was identified by fingerprints in the days after the incident. So, that man was accounted for at that time, leaving 13 unaccounted for individuals.

During the investigations at Pakse, the team recovered these 50,000 fragments, and they recovered, I believe, six identification tags and one partially burned membership card in a base club of some sort.

One of those tags belonged to the man whose body was partially blown out of the aircraft and had been accounted for. So, really, there were probably the remains of 14 individuals at least partially represented on the aircraft. All 13 unaccounted-for men were positively identified from these few fragments.

Looking at the documented charts from the Laboratory and using an established procedure that we use in any situation like this of counting the minimum number of individuals that could have been there, by duplication of identifiable fragments or teeth, I find that we can positively say at least four individuals were present, possibly five.

Now, if I had all of the skeletal remains and all of the dental remains to work with, I might be able to push that number up a few; but there is no way from the information we have, the lack of right and left duplication of fragments and so forth, that you can positively say that there were definitely 13 men aboard that plane when it crashed, or 14 as the case really is.

So, that is the situation as it stands, in my view. Why this took place, I don't know. Looking at the printed reports coming from the Laboratory, several of us have found some misleading statements in them.

For instance, in the case of one of the airmen aboard the aircraft, a fragment was identified as a pubic bone. Now, this portion of the front of the pelvis here is the pubis, and it is a relatively small bone, but obviously it does have several different aspects to it. Now, if this part of the pubic bone were found (indicating the inferior ramus), it isn't identifiable in terms of age or anything like that, unless it were a very young, immature individual. In all the

personnel we are talking about aboard this aircraft, you couldn't use that to establish any even rough idea of age.

And yet, in the report it says that "a portion of the left pubic symphysis, the most accurate method of aging, was found." Now, that is this portion of the bone (indicating). It is very useful in the age range of the military personnel aboard that aircraft for a rather precise estimate of age. But many anthropolists now have looked at that set of remains. I have compared that set of remains to photographs taken at the Laboratory to make sure that nothing has been changed during the intervening time, and the fragment identified as "pubic bone" may in fact be a pubic bone—there is some doubt about that, even—but all of us, without any reservations at all, agree that it is not a pubic symphysis. No one with even basic competence in forensic anthropology and human oseteology can mistake a pubic bone fragment for the pubic symphysis and establish any sort of age estimate from it when it is not there. It is very characteristically thin, the bone over the spongy part of the bone is paper thin, and the fragment in question does not show any of these characteristics. It does not show any characteristic of a pubic symphysis.

Now, this is an example of something that is misleading.

Several sets of remains now have been looked at, at the request of the families concerned, by a number of anthropologists, and all anthropologists who have looked at those agreed that they are unidentifiable, and all are quite concerned with comparing those remains with the reports coming out of CILHI.

What could be done to correct this problem and make sure this doesn't happen again? Well, first of all the location in Hawaii is rather isolated, and the scientific personnel are not able to participate in interaction with professional colleagues often enough, being in Hawaii.

Also, the personnel being identified by the Laboratory are indeed far more than Army personnel. In this case, all of them are Air Force personnel. It would make much more sense to have this identification lab a tri-services laboratory and locate it at some already-existing facility such as the Armed Forces Institute of Pathology out on the Walter Reed Hospital grounds. With that sort of thing, I believe that any problem would clear up.

I am not going to belabor the point that the Laboratory has done a poor job. I think the Laboratory, on the whole, does a good job. Deservedly or undeservedly, the credibility of the Laboratory and its personnel has been questioned, and I think that something should be done to reestablish this credibility with the families of these missing personnel.

And I am quite concerned that military remains are identified on the basis of virtually of non-existent evidence to account for missing individuals.

Thank you, sir.

Chairman MURKOWSKI. Dr. Maples, I wonder if these charts, from the standpoint of communicating to us the identification process, would be helpful in making reference to what I assume as a layman would be identification, say positive, from dental records vis-a-vis your contention that indeed that may be insufficient. And

you mentioned the pelvic bone and the part of it that was instrumental in determining age and the part that wasn't.

You are free to come up if you feel it would be helpful to you.

Dr. MAPLES. Thank you, sir. As a professor I am always a little bit more at ease on my feet and in front of charts.

I point out that these are the charts, which you see here, of only seven of the individuals; the others I believe are probably under these. But I think they are representative of what we are dealing with here.

This is the chart for the case that I was just talking about. But in all of these charts that you see, what was found is blackened in. The rest of the skeleton that is blank is material that was not found. So, in all of these we only have these black or reddened areas of the skeleton.

In this example, for instance, this individual (indicating) was represented only by teeth; while this individual had no teeth present, a few bone fragments from the skull, and a few various other bones.

This is the pubic bone, and you can see in the area that has been blackened-in that it is a part of the pubic bone that is the pubic symphysis. Well, I can guarantee without any doubt at all that this is not an identifiable part of a pubic symphysis that was found.

The height of this individual was established as being over six feet tall. Now, stature is determined on the basis of measurement of individual long bones from the arms and preferably from the legs, and using formulae to calculate the height during one's lifetime from those long bone lengths.

To get a long bone length, you need more or less all of the bone. If you have a complete bone, the best estimate that you can say is—well, for instance, if you had the femur and the tibia for a White male in perfect intact condition, and you added those two measurements together and used the formula, you could come up with an estimate of height plus or minus a standard deviation of 1.18 inches. Now, if you take 1.18 inches in either direction of the standard estimate, you come out with a range of over 2 inches, 2¼ inches, roughly. What you are saying is that 66 percent of all the individuals with bones from the leg of that length would fall in that range. But that means you still have a third of the population that wouldn't. So, you have to add another plus or minus 1.18 inches.

So, now you have an estimate of a range of over 4 inches, 4½ inches of a possible estimate. Now, that is not very precise. If you took all the 13 men——

Chairman MURKOWSKI. Excuse me, doctor. That is if you had both of the bones, complete, unobliterated. Here you only have one.

Dr. MAPLES. No, sir, you have none.

Chairman MURKOWSKI. You have none?

Dr. MAPLES. You have fragments only.

Chairman MURKOWSKI. Fragments only, of one.

Dr. MAPLES. Only, that cannot be used to estimate the length. Now, a technique called morphological approximation has been suggested as the basis of this. Morphological approximation is to take a fragment and compare it with a collection of bones to find the bone that looks like it and is the same size as that. Then you

measure that one. That is a large fragment, you compare it, you find a bone with those characteristics and that size in that bone, and that is the way you measure it. But that means that your estimate is not even going to be as precise as it would have been otherwise. I gave you the best possible scenario.

Chairman MURKOWSKI. Excuse me, doctor.

Dr. MAPLES. Yes?

Chairman MURKOWSKI. Are you suggesting that the technique of the camera overlay in the present, which is what you are addressing, is not scientifically correct?

Dr. MAPLES. No, sir. No, the superimposition technique is something that is different. The morphologic approximation technique is the one we are talking about here, and that is the one that was used in this series of Pakse to establish stature. The technique of superimposition using fragments, the overlay technique, is to compare photographs of the missing person, to see whether or not the fragments could have come from the skull.

Chairman MURKOWSKI. My question though is, is that scientifically accepted, that process?

Dr. MAPLES. It can be if you have a complete skull and a good photograph. It can certainly eliminate individuals by saying, "No, they couldn't possibly come from the same place." If they match wonderfully, it might suggest that they could have been from the same individual. And then with some sort of other supporting information, we could use them.

But where you have isolated fragments from a skull, it is essentially useless.

Chairman MURKOWSKI. Thank you.

Senator DeConcini?

Senator DECONCINI. May I ask a question on this morphological approximation? Is this or is it not an accepted forensic anthropologic technology for positive identification?

Dr. MAPLES. It is used by most of us at one time or another to get a rough idea of the size of the individual we are dealing with. But a rough idea can't be used to sort through 13 individuals on a plane who are in the same rough size range.

Senator DECONCINI. Is it safe to say that it is not accepted for positive identification?

Dr. MAPLES. Under those circumstances, no, sir, it wouldn't be.

Senator DECONCINI. And do you think that it ever will be accepted by the forensic anthropologic community for positive identification?

Dr. MAPLES. No, sir, it will not as a means of positive identification. It cannot.

Senator DECONCINI. Thank you.

Chairman MURKOWSKI. Doctor, then is it true to say that you use a composite of what you can find plus additional substantiation, which may be dog tags, personal effects adjacent to, and draw the best conclusion, and then do you give a qualification on your identification? Or is it just, "We believe to be the best of our examination that this is probably——"?

Dr. MAPLES. Every case is unfortunately different there. If you are dealing with a body burned in a car and the man was heavily insured, you probably would be suspicious of the identification

until you could prove beyond a doubt that, indeed, that was the person you are dealing with.

On the other hand, if you are in a military situation and you have two crew members manifested on that particular aircraft, and you find two different individuals, the remains of positively two individuals, on that burned out plane, even the barest confirmation of identification would be reasonable for a positive identification, under those circumstances. It couldn't be anyone else. And if it fits at all, then it is good identification.

If you have 13 individuals on one plane, then it becomes much more difficult. If you had positively 13 sets of remains, then some technique like morphological approximation may be usedful in sorting the individuals. But in terms of proving that those 13 people are all there and all dead, it is useless.

Now, the problem in the case of military remains is that up to a point we must accept what is coming with the remains from Southeast Asia, concerning where they were located, and so forth.

Up to this point, I think the Laboratory is doing an excellent job in catching any mistakes being made in Vietnam.

One of the advantages that we have is the total lack of training in the Vietnamese. They don't know what we do in terms of identification; so, therefore, they can't play games with us. One of my fears is that we educate them to our identification process. And if we educate them to our identification process, then they would be capable of doing much more elaborate things in terms of confusing and making this entire issue much more complicated.

Senator DENTON. Mr. Chairman?

Chairman MURKOWSKI. Excuse me just a moment. I have one question, and then I am going to call on Senator Denton.

OPENING STATEMENT OF SENATOR DENTON

Senator DENTON. I just wanted to say that I am chairing a Security and Terrorism hearing this morning, and that is the only thing that could require me to leave. I just want to compliment you, sir, for pursuing this subject, which is of such interest to our Nation and to the families and friends of those involved.

I am following this with staff, and when I am not at these hearings I am involved with the subject daily. I appreciate very much your efforts, and the interest of Senator DeConcini and the gentlemen from the House who have come over here, and I thank you for permitting me the opportunity to say it.

Chairman MURKOWSKI. Thank you very much, Senator Denton. I do want you to be aware that we had planned, obviously, to have Major Smith with us this morning.

Senator DENTON. Yes, I know.

Chairman MURKOWSKI. Unfortunately, for reasons that are not entirely clear, he has made the determination that he either doesn't have the evidence that he alleged to have had or is unwilling to appear. I have just been notified that we have a police officer going out to National Airport to serve the subpoena; assuming we are able to do so today, we may still have him appear. But that is obviously an unknown.

I intend to address the issue a little later with Counsel on the appropriateness of calling Obassy, alleged Gregson, before the committee. He is not a United States citizen—I understand he is a British subject—so we are going to need to do a little research on whether or not and under what procedure he might appear before the committee.

I would ask the committee to reflect on the merits of bringing this gentleman in. He has played a major role, at least as far as the information or misinformation, as the case may be, with regard to the alleged film and the alleged Americans that are alleged to be held in some capacity, and theoretically a gold mine, I believe, in Southeast Asia.

So, I think it would be appropriate to try to address a little more of just what he might bring in the way of information. It is my understanding he was recently released from prison in Singapore, after serving some time on various charges which are a little difficult to determine.

But I think the point, Senator Denton and my colleagues, is that we continue to attempt to follow up each lead with diligence and patience, so that the record can practically reflect on the reality that this is intended to be an open forum to bring information, factual information, to address the issue of the MIAs and POWs, because indeed there has been much misinformation, and it is hopeful that this hearing will contribute something to a final resolve, at least to the best of our ability and to our satisfaction, on the issue.

I would defer to my colleague, Senator DeConcini. I do have some questions for the witness.

Senator DECONCINI. Mr. Chairman, I am more than happy to wait.

Chairman MURKOWSKI. No, go ahead.

Senator DECONCINI. Thank you, Mr. Chairman.

Dr. Maples, I do have some questions. Thank you for explaining morphologic approximation to me.

There is some indication that the CIL reports were altered by administrative personnel to make them more readable by non-anthropologists. During your investigation, did you and other members of your review team find that this was in fact being done? And, if so, did these rewritten reports lessen the technical justification and explanation of the findings?

Dr. MAPLES. I can't answer that question directly, sir, because we were there such a brief time, but I have been told that any reports that were changed were changed within the Lab when they were sent back to the Lab for additional details, and then additional things were added by the scientific personnel in the Laboratory, or perhaps by non-scientific personnel attached to the Laboratory who were in communication with the scientific personnel.

Senator DECONCINI. Who told you that, doctor?

Dr. MAPLES. Ms. Maloney told me and told several other people independently.

Senator DECONCINI. That is when you were there?

Dr. MAPLES. No, sir, this took place in February.

Senator DECONCINI. So, you actually never saw any appearance of altered administrative records?

Dr. MAPLES. No, sir, I saw nothing of that sort.

Senator DECONCINI. Given that the CIL employs a non-Ph.D. GS-13 with 35 years of experience, who oversees three Ph.D. forensic anthropologists, do you believe such a senior forensic anthropologist should be permanently located at the CIL?

Dr. MAPLES. I think that a senior forensic anthropologist should be located at CIL, but I don't think it should be located there in Hawaii.

Senator DECONCINI. And that is one of the recommendations that you made, is it not?

Dr. MAPLES. It is. It is a recommendation that was made by all three of us, that the existing personnel at the Lab have additional supervision brought in over them.

Senator DECONCINI. In reviewing those recommendations that your committee made, was the committee unanimous on these? I don't have them numbered, but there are several pages, three pages of them here, of the so-called "review team recommendations."

Dr. MAPLES. They weren't unanimous in terms of wording. Some of us were more descriptive than others. But in terms of the recommendations, the recommendations generally were identical.

Senator DECONCINI. I notice, just from observation, that the initial U.S. Army evaluation was that the committee members concur in every recommendation. Do you have any idea if they complied with the concurrence? Or do you know?

Dr. MAPLES. No, sir. I feel very strongly that they have not. There has been talk of one anthropologist occasionally visiting the Lab and working in that capacity, to supervise, by visiting from this area. But that just couldn't do it.

Among the existing scientific personnel at the Lab, they probably, with a little additional training and encouragement, probably some of the Ph.D.s there could take over the supervision of the Lab. If they had more than one individual, so you have a little bit of a mixed viewpoint coming into the Lab, it might work.

Another problem is the next step up from the Lab, the ASGRO Review Board. It is composed of three morticians, I believe, and a quartermaster officer, and that panel probably isn't adequately composed to understand whether the reports coming into the Lab are good ones or not. We really need experts on that board. If we had experts on that board, then the Laboratory itself would fall in line.

Senator DECONCINI. Good. Was that one of your recommendations, as well?

Dr. MAPLES. Yes, sir, it was a recommendation of all of us.

Senator DECONCINI. Thank you.

In the specific case that you went to here, chart No. 3, is this the chart of Lt. Col. Hart, do you know?

Dr. MAPLES. No, sir. The number 3 was Chief Master Sergeant Fuller.

Senator DECONCINI. Do you know which one was Lt. Col. Hart?

Dr. MAPLES. Yes, sir. Col. Hart is the one on the far end.

Senator DECONCINI. The far right?

Dr. MAPLES. Yes, sir, the one with the upper bone in the right arm marked and the neck of the left thigh bone marked.

Senator DECONCINI. It is my understanding, and I will check with the Army personnel when they get up here, that morphologic approximation was used in that positive identification. Is that your understanding?

Dr. MAPLES. Yes, sir, it was. And I have now seen the remains attributed to Col. Hart. They were sent to my laboratory, and I did analyze them. I could not prove that they came from a single individual. I couldn't prove that those remains were those of Col. Hart. The particular bone in question, the humerus, I compared with bones in my skeletal collection at the laboratory and found bones of more than 2 centimeters in length difference that closely compared to that particular bone.

So, you have a central estimate of about 2 or 3 inches in the height of the individual concerned. And then when you apply the standard deviation to take in population variation, it is worthless.

Senator DECONCINI. So, your testimony is that there is no convincing time ticket or circumstantial evidence to make a positive identification?

Dr. MAPLES. No, sir.

If I may, the remains that I have in my hand have been sent to me. These are the remains attributed to Sgt. Fuller, the ones that I was showing you on the chart, and these are the total remains of Sgt. Fuller. This is the so-called pubic bone in question, and the thickness of the bone over that area that vaguely resembles the pubic symphysis is several times the thickness that bone would be on the pubic symphysis. No one could really mistake that for a pubic symphysis. At the same time, if you mistook it for a pubic symphysis, there is no way that you could get any aging information from it.

Senator DECONCINI. For the remains that you have, there is the same question. Is there convincing scientific or circumstantial evidence from what you have that that identifies chart No. 3, starting from the left and going right?

Dr. MAPLES. No, sir. There is no way that you could tell that these are the remains of Sgt. Fuller or that these are the remains of any particular one individual. Some are burned, some are not. In the reports, the reports say that the remains were sorted by texture, by burning, and by location of the excavation.

Some of these remains come from quite different places at the excavation, and they are attributed to one individual. In this case we have a burned bone and we have unburned bones. Texture-wise, there is a remarkable difference in these bones. There seems to be a lot of window-dressing in these reports and little substance.

Senator DECONCINI. Doctor, during your review of the CIL, were you able to determine, in your professional judgment, or in your personal judgment of just observing without the professional background, why the lab would use unproven scientific methods to determine the identity of these remains?

Dr. MAPLES. Well, the techniques were unproven, and in that I wouldn't be critical. To use something that is new and unproven to see whether it substantiates other things, I think, is a reasonable first step, or a reasonable step along the identication process.

Senator DECONCINI. Your quarrel, if anything—I don't want to put words in your mouth and I'm sure you won't let me—is coming to the conclusion of a positive identification with this evidence.

Dr. MAPLES. Yes, sir.

Senator DECONCINI. Nothing was wrong in doing what they did, except their conclusion?

Dr. MAPLES. Well, the amount of variation that they allowed in their estimates was totally inadequate, and even someone in introductory courses in human osteology would not be allowed to write a report inferring such accuracy from this type of evidence.

Senator DECONCINI. My last question, Mr. Chairman.

Do you know if your colleagues on the review panel concurred or had an opportunity to review any of these remains and come to the same conclusions?

Dr. MAPLES. As far as I know, I am the only individual on the review panel who has seen the Hart remains. Dr. Kerley I believe reviewed the files. I don't want to put words in his mouth, but he told me that he basically shared my conclusions that the remains were unidentifiable.

Senator DECONCINI. Do you mean—without putting words in his mouth but just for the record—the doctor looked at the records and, based on what were in the records and not the specimens, he could not come to a conclusion?

Dr. MAPLES. That is right.

Senator DECONCINI. He could not conclude that there was positive identification, and that, in fact, your observations or conclusions he would generally support?

Dr. MAPLES. Yes, sir. As a matter of fact, I just got the information—I don't know the source of the information—that the ASGRO Board has rescinded the identification on Col. Hart, based presumably on my report and Dr. Kerley's.

Senator DECONCINI. Do you know if they have rescinded any other positive identifications?

Dr. MAPLES. No, that is the only information I have up to this time.

Senator DECONCINI. Well, Doctor, I want to thank you for taking the time to be part of this, because there may be problems of overzealousness or not enough expertise on the part of the CIL. It is not my purpose to be critical, but it is my purpose to try to make it clear in the record that we need to do absolutely everything scientifically and not hedge, because of the emotional involvement in this type of identification. Your willingness to step forward in what I consider to be a very professional manner, not interested in pulling down or discrediting anyone, is greatly appreciated by this Senator.

Dr. MAPLES. Thank you very much, sir.

Senator DECONCINI. Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, Senator DeConcini. I certainly agree with your analysis and summary.

I think the question, Doctor, is if we can't prove scientifically the identification, then the question comes up: Is it possible that they may still be alive, those missing? In other words, if we can't positively identify, the hope springs that indeed there may be a possibility, even remote.

My question is: As a consequence of a combination of factors, (a) the fact that you can't make a positive identification, but you accumulate as much material as you can and make a qualified identification or, in each case, a specific evaluation, what is your general conclusion in the sense of the other alternative, the likelihood of some of those who are not positively identified still being alive?

Dr. MAPLES. Based on the skeletal evidence, I think the possibility must be quite high that several individuals from Pakse could be alive. Based on the information concerning the circumstances of the crash—and of course I only have unclassified information available to me here—the possibility does exist that several other individuals may have gotten out of that aircraft before it hit the ground.

Chairman MURKOWSKI. Well, I would like to go over that with you, because as you have indicated, I believe, in the Pakse crash there were two who survived that. Were there 16 aboard, or 15?

Dr. MAPLES. There were 16 aboard, and two survived. One man's arm was blown out by the explosion and was recovered immediately thereafter and was identified by fingerprints, so he was accounted for.

Chairman MURKOWSKI. That was the thirteenth, then?

Dr. MAPLES. That was the fourteenth, leaving 13 unidentified and unaccounted for.

Chairman MURKOWSKI. And your assessment of the remains of those 13 all bears a qualification, in the sense of your inability to positively identify them?

Dr. MAPLES. We have tags of five of those individuals, and six if you count a membership card, including the seventh one with the arm blown out. We have his tag also from the crash.

To be perfectly brutal in my analysis, I think the likelihood is quite high that all of those individuals were aboard the aircraft when it crashed if their tags were; although, all of us know of circumstances where people take a tag off in an aircraft or in other circumstances.

But one of the people whose ID tag was not recovered was positively identified by teeth. So, he is one of those identifiable ones. But that still leaves four or five individuals who could be alive, even if you write off the others on the basis of tags.

It is my understanding that five parachutes were recovered at the crash site after the crash. Now, parachutes may be deployed during a crash without anyone actually getting out of the plane. Parachutes were found.

It is also my understanding—and this has been, now, on national television—that the initials of Col. Hart were seen in the area shortly after the crash as well.

Chairman MURKOWSKI. The circumstances surrounding the two that survived, I assumed that they were successfully able to parachute out of the aircraft?

Dr. MAPLES. Yes, sir.

Chairman MURKOWSKI. And explanation for the other three is unknown?

Dr. MAPLES. Unknown, sir. They had some warning. The plane was flying at low altitude, low speed. It took a hit. Apparently there was fire aboard, and they had some opportunity of getting

out. Then there was an explosion, and the plane, in a fireball, went into the ground. It impacted so hard into the ground that bone fragments were recovered in the excavation 10 feet underground.

All of the 20 millimeter automatic cannon on the plane, which was considerable, went off after the crash, and it burned and exploded, and so forth. So, it was amazingly destructive.

Chairman MURKOWSKI. I guess my question, still, in your testimony is the reference to (a) a positive identification, at least, through dental records, as opposed to a number of other identifications that you indicate are not positive but partial, or I guess circumstantial.

Dr. MAPLES. Based on the material recovered—ID tags, bones, and teeth—a considerable possibility that other individuals survived that air crash.

Chairman MURKOWSKI. And in your evaluation or examination of the final account of the crash, what explanation was given by those that would observe the self-evident conclusion that you had come to that there are others that could have survived the crash yet are accounted for? Was there any reference in your recollection?

Dr. MAPLES. No, sir, none, to my recollection. In reviewing all the documents available to me at the Laboratory I found no attempt at all to do what all anthropoligists would in a situation like this, find out a minimum number of individuals represented. There was no chart prepared counting left bone, right bone, this fragment, that fragment, this tooth, that tooth. Nothing was done. They were all sorted into individuals right at the very beginning, apparently.

Chairman MURKOWSKI. Was there any explanation given as to why that wasn't done?

Dr. MAPLES. No, sir.

Chairman MURKOWSKI. Did you ask?

Dr. MAPLES. I asked, and Mr. Furue just smiled and said, "No."

Chairman MURKOWSKI. Just "No."

I would direct our staff to initiate a communique requesting an explanation of why that procedure was not initiated. I would also ask that we include in the record the final examination and Air Force review of that accident with the detailed explanation, if there is one, as to the accountability of those who allegedly may have survived; in other words, the question of five parachutes, two survivors, the individual who had positive identification. My purpose is not necessarily to relive the event, but to provide for those who want to examine this record a reference to some appropriate questions which you, Doctor, have raised, that I think deserve the inclusion in the record of that portion. And it may be within the interests of our committee to pursue that with others even further.

But I am wondering—just a couple of brief questions, Doctor. The identification of Col. Thomas Hart, which you may be familiar with—is that correct?

Dr. MAPLES. Yes, sir.

Chairman MURKOWSKI. This appears to have been made primarily through the use of the morphological approximation based on Mr. Furue's—or is it Furolli?—determination that the remains identified as those of Lt. Col. Hart indicated that the individual was slightly above average in stature, muscular appearance, and, after having examined the remains, was identified as, allegedly,

Col. Hart. Do you agree that they indicated this type of muscular development above average?

Dr. MAPLES. They are average well-built individuals, but nothing out of the ordinary.

Last month I had several individuals identified in my laboratory with that type of build.

Chairman MURKOWSKI. What I was leading up to was whether you could make an assumption of whether indeed that was one of the remains in that accident.

Dr. MAPLES. No, sir. I think those remains could not be identified with any—any—degree of probability as those of Hart, or in fact that you could say all of those fragments came from a single individual.

Chairman MURKOWSKI. I am wondering if you would comment on the reference to Dr. Ellis Kerley as the forensic anthropologist responsible for reviewing the recommendations of the CIL. Have you had a chance to review his qualifications?

Dr. MAPLES. I know Dr. Kerley. I have known Dr. Kerley for many years, and I consider his expertise and his ethics to be absolutely impeccable.

Chairman MURKOWSKI. Thank you.

Representative Bilirakis?

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Dr. Maples, you refer to the tragedy that took place in Florida some time ago that resulted in 10,000—did you say 10,000?—bone fragments, and you have been working on that for one and a half years and still have not been able to make positive identification, having all the background of the members of the family available, and what not. Is that right?

Dr. MAPLES. Yes, sir. One of the individuals concerned is an ex-convict who has managed to accumulated 10 aliases over his lifetime, and that has made things a little more difficult in that particular thing. And I have essentially a staff of two part-time students and myself working on all of my cases, considerably less than at CILHI. But I think my laboratory is better equipped than CILHI.

Mr. BILIRAKIS. Doctor, in referring to the excavation, you said that two out of the 14 could have been positively identified through dental records. Does that mean that the other 12 are just impossible to identify?

Dr. MAPLES. I haven't seen all 12 sets of remains themselves, but I would say that in all probability most of those individuals would have been unidentifiable. There is a possibility of a third dental identification made on the basis of a three root canal structure of a tooth. And, of course, one was previously identified by fingerprints.

So, given all of the material and people with a lot of expertise and experience working with the material, there might be a possibility of squeezing one or two more positive identifications out of that material. But beyond that, I don't think the likelihood is very high at all.

Mr. BILIRAKIS. And you made a comment that you couldn't prove that a mistake was made; yet, the truth of the matter is—well, I guess you can't prove that this is not a six-foot individual, isn't that true? You can't prove that a mistake was made in that regard;

but, what you are saying is, it is just impossible to really prove that this is a 72-inch individual as a result of that fragment?

Dr. MAPLES. Yes, sir, on the basis of this fragment. That is what was used to determine the overall height of a complete individual. On the basis of that fragment, that guy could be a five-foot-six big-boned individual and have every characteristic of this fragment you see right here. So, there is no way at all of determining stature from these tiny little long-bone fragments. They virtually don't have any useful landmarks on them at all.

Mr. BILIRAKIS. Could this one fragment here determine that it was a human being, as against an animal, for instance?

Dr. MAPLES. That particular fragment is so unidentifiable that anthropologists—very well-qualified board-certified anthropologists—looking at that fragment have come to three different conclusions: one, that it might be part of a pubic bone from further down the ramus; two, that it might be from the skull, near the foramen magnum, the large opening at the base of the skull; and, three, that it is non-human. There is no consensus at all among very well-qualified people. But none of them have come to the conclusion that it is part of the pubic symphysis.

Mr. BILIRAKIS. Well, you have complimented the people in Hawaii, the CIL people, and we have found them to be very cooperative when we were there. We are far from experts, obviously. And I believe the Chairman said this in his opening remarks, that we are not on a witch hunt, not trying to throw blame on anybody, or anything of that nature.

I said in my very brief opening remarks that I am very much concerned, and I know we all are, with having closed cases in many instances where identification is just impossible. I mean, you don't have to be an expert to know it is just impossible to positively identify these people.

You have indicated, too, that the Vietnamese apparently don't have nearly the expertise that we have in these areas. In the excavation site that you referred to, a 16-man crew, two managed to bail out and were saved, right?

Dr. MAPLES. Yes, sir.

Mr. BILIRAKIS. The other 14 apparently died with the plane, apparently.

Dr. MAPLES. That's right.

Mr. BILIRAKIS. Could fragments have been substituted there, in spite of their lack of expertise equal to ours, by the Vietnamese if they wanted to fool us in any way? Could some of these fragments have come—they could have, right?—from other human beings, from other animals, if you will, certainly from other instances?

I realize that I am being negative here. I am picking on the most negative instances. I am not trying to pick on the CIL when I say that. But is that true?

Dr. MAPLES. To a point, sir, it is. Some of the bone fragments were from the surface at the crash site, as were some of the ID tags; they were found on the surface. They could have been brought in, yes. The majority of fragments, the large majority of fragments, however, came from the crater and from the burial, from the deposits in the crater. No, I don't think the likelihood is very high at all that those were planted.

Now, we don't know that the plane didn't come down on somebody. There could have been some poor fellow walking through the woods one night, and the plane fell on him. So, you could have an additional body or more that way, without anyone finding them. I think the probability of that is very, very low.

So, I think all the fragments recovered, with the possible exception of some of the surface fragments, were from the crash.

Mr. BILIRAKIS. Well, if in 1986 we can't make a positive ID of these remains, what about remains, in your opinion, which were "identified" prior to the CIL's existence? Any comment?

Dr. MAPLES. Well, the CIL has been in existence in one form or another for many, many years. Mr. Furue has been associated with the Army since 1951, either as a contract employee or as a civil servant. So, it has been around for a long time.

Mr. BILIRAKIS. Was our expertise back then equal to what it is today?

Dr. MAPLES. No, sir. We have made a lot of improvements in expertise and educational improvements over the last decade. But it was generally pretty good then.

Mr. BILIRAKIS. Let me share with you a situation, factual as far as I know: Nine individuals in four caskets, apparently no actual identification of their names. It was presumed that the fragments in these four caskets were at one time nine individuals, they were identified as nine individuals. They were in fact identified as nine individuals.

One of those nine, I believe, if my recollection is correct, happened to walk off of the airplane as a returned POW some years later. But if those remains were exhumed, could you possibly make some identifications?

Dr. MAPLES. Yes, sir, possibly. I would have to see.

For anthropologists working in forensic work, I think the greatest horror that we could possibly imagine is that someone will come walking in the door that we have positively identified as being dead. The things that I go through in my own mind before I come to that conclusion are very painstaking.

I think the possibility is that someone could come walking in the door from CILHI or from any other laboratory, for that matter. And generally the work at CILHI I think is quite adequate. The researchers there are not superb, they could be beefed up. They have got adequate personnel there in terms of numbers; they have just hired six more people to beef up that laboratory. They don't need that.

With an unrestrained hand, I could go into that laboratory and reduce the personnel costs probably appreciably and still get better results from that laboratory. The same way with personnel costs and equipment, most of which is a one-time purchase; and you've got a first-class laboratory if you have first-class direction and a fully-qualified expert running the laboratory that is not being fettered by any administrative pressure.

Mr. BILIRAKIS. Do you know, sir, what the DOD policy is in exhumation of group remains?

Dr. MAPLES. I am not sure that I follow you. I do know that the excavation in this particular case was made without anyone in forensic anthropology.

Mr. BILIRAKIS. No, I am talking about exhumation; I'm sorry.

Dr. MAPLES. No, sir, I don't.

Mr. BILIRAKIS. You don't know.

Well, I don't know how much you personally were involved in terms of interest or any other involvement in this entire issue prior to having been requested to give us your report on this excavation which you referred to. Was or is your knowledge now broad enough to acknowledge to this committee that you feel that probably an awful lot of instances of "positive identification" were mistaken?

Dr. MAPLES. Generally, not looking at Pakse now?

Mr. BILIRAKIS. Yes.

Dr. MAPLES. No, sir, I don't believe that is true at all. I believe that the probability is that very few misidentifications have been made in that laboratory.

Remember, we are not dealing in this type of situation on a daily basis. The workload in that laboratory is not extraordinary. Two or three of us together have, individually, workloads comparable to what goes through that laboratory. The majority of cases going through that laboratory are routine, easily-identified material. I really would not like the families of people who have been identified in that laboratory to think that a lot of mistakes have been made; I don't think that is the case at all.

Mr. BILIRAKIS. Well now, you made a comment—I wrote it down—"something must be done," or words to that effect, "to reestablish credibility with the families." Why?

Dr. MAPLES. Because Pakse itself, I think, has cost the laboratory a loss of credibility. Now, it has been said that no loss has taken place, but I think our presence here today means that the lab has lost credibility.

Mr. BILIRAKIS. What can be done, then, to reestablish it?

Dr. MAPLES. A number of things can be done. No. 1, we need a trained, well-qualified forensic anthropologist in charge of the anthropology at the laboratory, one who would be able, himself or herself, to come to this committee and present their views in person and not have to have others representing them.

We need to reduce the number of people at that laboratory—the scientific personnel. We have too many people. They are not being allowed to engage in or apply their expertise effectively as it is now. We need outside supervision, and more than one individual is needed, no matter how good, how upright that individual is. We need more than one individual. We need different perspectives.

We need anthropologists going to the actual excavations, unless it is in a war zone, and participating in the actual excavations. More material could be identified, because it would be recovered with that expertise at the scene.

We need better equipment at the laboratory, and we need more constant interaction between scientific personnel at the laboratory and their colleagues on the mainland. The few advantages of having that laboratory in Hawaii is that occasionally they have to go to Southeast Asia, but those few advantages are overshadowed by the disadvantages of its isolated location to the rest of the scientific community. I don't mean to say my colleagues at the Universi-

ty of Hawaii are intellectually isolated; I don't think that is true at all. But the laboratory has managed to be considerably isolated.

The scientific literature available in the library at the laboratory is virtually nonexistent. Now, this may have changed since December when we pointed out its sparsity. It really needs some expertise. It really needs an open hand. We must not ever allow anthropologists to make dental identifications at that laboratory.

They now have a full-time Army dentist assigned to the laboratory. He doesn't have a lot of experience, but he is bright, he is learning, and I think that that problem is something that probably is in the past now. But in the past, the anthropologists did everything, dental identifications, skull identifications, and you couldn't tell from the reports who was doing what in terms of the final conclusions.

A lot needs to be done. A lot could be done, and it wouldn't cost a lot of money. The end result would be better. And the first step to all of this would be openness in the laboratory, and allowing the scientific personnel in the laboratory to talk to their colleagues, and there have been instances in the last couple of months when they have been told that they can't.

Mr. BILIRAKIS. Talk to their colleagues?

Dr. MAPLES. Yes, sir.

Mr. BILIRAKIS. And that is something that needs to be done, one scientist to another.

Dr. MAPLES. Yes, sir. It is my understanding, in fact, in the last few days or weeks a labor relations officer has had to come in to intercede in the personnel problems within the laboratory itself.

Mr. BILIRAKIS. Thank you, Doctor. Thank you so much for all your help.

Chairman MURKOWSKI. Thank you, Representative Bilirakis. I appreciate the depth of the questions.

I think that Dr. Maples has certainly been a major contributor to our record here. I think your ability to reflect with great professionalism on the significance of the identification process gives us a better understanding of the difficulties in the process and the great evaluation that you must make as you seek to make a positive identification or, on the other hand, reflect on the qualifications that you must give. And I certainly commend you.

We have one more panel. I will excuse you, Dr. Maples, and wish you a good day.

Dr. MAPLES. Thank you very much, sir.

Chairman MURKOWSKI. Our remaining panel consists of Major General John S. Crosby, United States Army, Assistant Deputy Chief of Staff for Personnel—would you come up to the table?—along with Lieutenant Colonel Johnie Webb, United States Army, Commander, United States Army Central Identification Laboratory in Hawaii, and Dr. Ellis Kerley, Forensic Anthropologist, Huntington, Maryland.

For those of you who have been following our efforts to serve a subpoena this morning, I am advised that Major Mark Smith was on the passenger list this morning for Fayetteville, North Carolina, on Piedmont Airlines. He did not take that flight, however, and they are still looking for his whereabouts at National Airport. So,

that is where we are on Major Smith. And there are a lot of people out there today, I am told.

I also would share with my colleagues the fact that we have conferred with counsel and have been advised that we did have the authority to subpoena Gregson/Obassy, allegedly one or the other, and I would intend tomorrow at our business markup to seek authorization from the members of the committee to initiate a subpoena for Gregson/Obassy and bring this gentleman before our committee at a future date.

With that, gentlemen, I would suggest that we proceed with the remaining panel. I would ask that you proceed in any manner that you so desire.

STATEMENT OF MAJ. GEN. JOHN S. CROSBY, ASSISTANT DEPUTY CHIEF OF STAFF FOR PERSONNEL, DEPARTMENT OF THE ARMY, ACCOMPANIED BY DR. ELLIS R. KERLEY, FELLOW, AMERICAN ACADEMY OF FORENSIC SCIENCES AND CONSULTANT TO THE ARMY; AND LT. COL. JOHNIE E. WEBB, JR., COMMANDER, U.S. ARMY CENTRAL IDENTIFICATION LABORATORY, HAWAII

General CROSBY. Mr. Chairman and members of the committee, I am Major General John S. Crosby, Assistant Deputy Chief of Staff for Personnel for the Department of the Army. I have with me today Dr. Ellis R. Kerley, Fellow of the American Academy of Forensic Sciences and consultant for the Army, and Lieutenant Colonel Johnie Webb, Jr., Commander of the U.S. Army Central Identification Laboratory in Hawaii. Also in attendance is Brigadier General Leslie E. Beavers, former Director of Personnel Plans and Systems, Office of the Deputy Chief of Staff for Personnel, in the front row, and Dr. Robert R. McMeekin, Director of the Armed Forces Institute of Pathology.

I have a prepared statement which I would like to have entered into the record.

Chairman MURKOWSKI. Your statement will be entered into the record as if read.

General CROSBY. With your permission, Mr. Chairman, I will summarize that statement.

Chairman MURKOWSKI. Please proceed, General.

General CROSBY. The Department of the Army is keenly aware of the sensitivity involved concerning the search, recovery, and identification of unaccounted for Americans in Southeast Asia. The President has assigned the highest national priority and pledged the full resources of the government to the effort to obtain as full as possible an account of those Americans.

The Army, through the Deputy Chief of Staff for Personnel, serves as Department of Defense executive agent for the processing and identification of remains. I am here to discuss how the Central Identification Laboratory in Hawaii supports that accounting.

Currently CILHI conducts search and recovery operations throughout Southeast Asia, Korea and World War II Pacific areas of operations. The laboratory accumulates and catalogs information on Americans and allied personnel listed as missing, or declared dead, but whose remains have not been recovered. It searches air-

craft crash sites and grave sites to recover remains and participates in technical level meetings with Indochinese officials.

The laboratory applies anthropological, odontological, and other sophisticated techniques to establish identification of repatriated remains, as well as those recovered by excavating aircraft crash sites.

In addition, it provides worldwide emergency search, recovery, and identification of remains in support of the Army's Mortuary Affairs Program and assists the Departments of Navy and Air Force as required.

One of these search and recovery missions, conducted jointly with the Laotian Government, took place at Pakse, Laos, from 10 to 22 February, 1985. This marked the first time since the end of the Vietnam War in 1975 that U.S. specialists were allowed to search for the remains of Americans in Southeast Asia.

The remains arrived at the Central Identification Laboratory on February 25, 1985, for identification processing. After extensive evaluation, the laboratory recommended individual identification of the remains of all 13 crew members.

On July 1, 1985, the Armed Services Grave Registration Office, so-called ASGRO, a board consisting of representatives from each of the Services that makes final identification approval, approved the identification as recommended.

Following the board's action, U.S. Air Force officials offered to brief all involved families on the overall excavation process and to visit each family to explain the individual identification process.

Some questions raised by a few families, the media, and anthropologists have made these cases the center of controversy. Out of 13 sets of remains, 10 have been buried. Of these 10, eight families received visits by U.S. Air Force personnel to explain the identification procedure. One of the eight families obtained a second opinion by an anthropologist which supported the Central Identification Lab's identification.

The eleventh set of remains were sent to a funeral home at the family's request, but the remains have not been buried as of this date.

The twelfth set of remains has not been accepted by the family and is in military custody at the U.S. Army Mortuary in Oakland, California.

The final set of remains was offered to the family but has become the subject of a lawsuit and an administrative claim by the next-of-kin against the U.S. Government. Because the matter is currently in litigation, the Army cannot comment further upon this case.

In anticipation of an increased workload and as a result of the kind of controversy generated by the Pakse identification, the Army, we, asked a team of nationally prominent forensic scientists to conduct an independent review of the Central Identification Lab in Hawaii. The team consisted of Ellis R. Kerley, Ph.D., Lowell Levine, D.D.S., and William R. Maples, whom you just heard, a Ph.D. Doctors Kerley and Maples are forensic anthropologists, and Dr. Levine is a forensic odontologist. All are board certified and are Fellows of and have been past officers of the American Academy of

Forensic Scientists. They conducted the review from 9 to 12 December 1985.

Based on the recommendations of the review team, the Army modified its review and approval process for individual case files. Before the ASGRO acts on a laboratory identification, the Armed Forces Institute of Pathology reviews the case file. Dr. Ellis R. Kerley also reviews each case file and advises the chief of ASGRO in those cases involving identification of human skeletal remains.

We are going to add another anthropologist to the process. I discussed this this morning with Dr. Kerley.

Once the identification is approved, the Service concerned offers to explain the identification to the family. Additionally, in those cases where the identification is questioned by the next-of-kin, they are provided the opportunity to obtain a private review from whatever source they desire, and to have that input considered by the ASGRO.

The commitment of our U.S. Government to achieve the fullest possible accounting of Americans missing in Southeast Asia is fully supported by the U.S. Army. The dedicated professional personnel involved in the search, recovery, and identification missions play a vital role.

The U.S. Army is very proud of the Central Identification Lab and its outstanding staff in its work over these many years.

I have appreciated this opportunity, Mr. Chairman, to appear before the committee, and I would be happy to answer any questions.

Thank you.

Chairman MURKOWSKI. Thank you very much, General.

Lieutenant Colonel Webb?

Colonel WEBB. Yes, sir?

Chairman MURKOWSKI. Do you have a statement for the record?

Colonel WEBB. No, sir.

General CROSBY. No, sir. The only statement is the one I had, Mr. Chairman.

Chairman MURKOWSKI. All right.

[The prepared statement of General Crosby appears on p. 258.]

Chairman MURKOWSKI. I would ask for your evaluation of Dr. Maples' testimony, General. You sat through this morning's testimony of the Doctor with regard to the evaluation, and in view of the frankness of his evaluation I wonder if you would comment on your overall observation of that testimony.

General CROSBY. Yes, sir.

At the outset, Mr. Chairman, I would like to say that last summer at the onset of the controversy on Pakse, Laos, and the fact that we foresaw an increased workload at CILHI based upon the possible return from Vietnam of remains, we asked or recommended that a team be formed of emminent anthropologists to be sent to CILHI to check how they do their business.

When we asked Dr. Engel from the Smithsonian Institute for recommendations of personnel to be on that team, he recommended Dr. Maples, Dr. Kerley, and others. From that list we selected them based upon their reputation, credentials, and past performance. So, clearly, we think Dr. Maples is an emminent anthropolo-

gist and respect his views and the views of his colleagues Dr. Kerley and Dr. Levine.

We do, however, feel that we have some differences of opinion, because of operations that we know are ongoing in the Pacific area, such as the location of the Central Identification Lab.

We feel, because of the search operations that are conducted there, the fact that the majority of their business is going to be done in the Pacific Basin, and in support of the Commander in Chief, Pacific, CINCPAC, responsibilities out in that area, we decided to keep the CILHI there. We have other Central Identification Laboratories other places in the world to take care of other areas, other theaters.

So, let me just say, in sum, that we accepted the recommendations of the board and the team that went there. We are acting as fast as we can to implement their recommendations. As a matter of fact, as you members of the committee said, we concur in those recommendations, and we are trying to implement them as soon as possible.

We did discuss slight deviations from those recommendations with members of the team after their return, and we have taken positive action to correct those deficiencies.

Chairman MURKOWSKI. General, my question is a little bit more specific. The Doctor indicated that it was doubtful that they could make positive identification for numerous reasons associated with his presentation. Now, we have heard of five parachutes that were allegedly seen at the aircraft crashsite. My question specifically to you is, do you take issue with that, since positive identification was basically made by the Army and released, and you heard the Doctor's testimony saying that in his professional opinion it would be almost impossible to make positive identifications? To me, there is a discrepancy there, and I would like you to specifically evaluate the specific differences—your findings vis-a-vis his contention that you couldn't make a positive identification.

General CROSBY. Yes, sir.

We have all the Pakse, Laos, cases under review, sir, that whole procedure under review, and we have the specific cases under review.

Chairman MURKOWSKI. Are you reviewing them with the idea that you may reevaluate and find a different conclusion?

General CROSBY. Yes, sir, we are reevaluating based upon the recommendations of the team members, the chairman of the team and Dr. Maples.

Chairman MURKOWSKI. I wonder, Dr. Kerley, if you could respond to this difference of professional opinions. A conclusion was reached by the Army, and we have had professional testimony with regard to the difficulty or impossibility of reaching positive identification. Is this review as a consequence of this concern, or is it an ongoing review, or does your review perhaps contend that you will reach another conclusion, other than the previous conclusion?

Dr. KERLEY. Well, I think our report reached a conclusion to the effect that the Pakse cases, many of them, were not identifiable by any means known to us, that we would not be able to identify them. And I believe that that report is the reason for the review of the cases.

Chairman MURKOWSKI. Well, Colonel Webb, how was the positive identification made, then? We seem to have an acknowledgment that you couldn't make a positive identification; yet, was there not a positive identification made from the standpoint of the position of the Army?

Colonel WEBB. Yes, sir, there was a recommendation for identification made and accepted, and that was made, a lot of it, based on testimony you have heard today, on a technique that was used, morphologic approximation.

Chairman MURKOWSKI. So I guess it is fair to say that your conclusion now is that this type of identification does not necessarily lend itself to a "positive" type of identification?

Dr. KERLEY. Mr. Murkowski?

Chairman MURKOWSKI. Please.

Dr. KERLEY. There are other methods of making identification than simply the anthropological ones, and I think circumstances in many cases have——

Chairman MURKOWSKI. Additional factors.

Dr. KERLEY. Right.

Chairman MURKOWSKI. I guess I am getting confused a little bit on the question of "positive" identification and the contention from our former witness that it is almost impossible to make positive identification, and your contention, Dr. Kerley, that it is very difficult if not impossible to have a positive identification, and the realization that we have had one from this case, or several.

Dr. KERLEY. Well, I would emphasize that we are speaking about identification from the skeletal remains, which is all that we dealt with.

Chairman MURKOWSKI. Well, you are using additional information——

Dr. KERLEY. But the Army might not.

Chairman MURKOWSKI [continuing]. Than the Army would be.

Well, I guess in general, General, would you conclude then that this particular Pakse case, since you have acknowledged that it is under review, may indeed result in a different finding after your evaluation currently?

General CROSBY. Yes, sir, it may.

Chairman MURKOWSKI. When do you anticipate having a conclusion of your reevaluation?

General CROSBY. The conclusion of the reevaluation has been reached, and under closed session we would be glad to share those with you, sir.

I say that we are under litigation in this matter, and we would share that with you in a closed session, or provide it for the record.

Chairman MURKOWSKI. Are you continuing to still use the morphologic approximation process?

General CROSBY. Not as a basis for identification.

Chairman MURKOWSKI. For what purpose are you continuing to use it?

General CROSBY. We have had nine cases, I believe nine cases, since that team visited, and we have not used the process since then, sir.

Chairman MURKOWSKI. You have not used it since the nine cases? Is that a consequence of the Secretary of the Army's order not to use it?

General CROSBY. It is based upon a decision not to use it by the Secretary of the Army, based upon the recommendation of the team headed by Dr. Kerley and with Dr. Maples.

Chairman MURKOWSKI. Yet, that was used in this case to reach the conclusions that the Army had previously reached.

General CROSBY. Sir, I was not there, and I am just going to give you my answer to the question, then I will turn to Colonel Webb, because he knows better than I.

The other methods mentioned by Dr. Kerley and Dr. Maples I am sure were used, because those are standard anthropological methods of identification in conjunction with the morphological approximation. I would just pass the remainder, if Colonel Webb has anything to add to what I said.

Chairman MURKOWSKI. Please proceed, Colonel.

Colonel WEBB. Yes, sir. During the examination of the Pakse remains, morphologic approximation was used, and it was used as a basis for the identifications. However, other techniques were also employed.

As Dr. Maples has said, in the cases where there were dental remains, the dental remains were examined using comparisons with dental records and dental x-rays if available. So, any technique available to anthropologists and odontologists was used in trying to establish identification.

Chairman MURKOWSKI. The press has reported from time to time that there were certain pressures brought to bear on responsible people in the laboratory to encourage them to make an identification, not necessarily positive but with more impact. Do you have any knowledge that this may have actually taken place in the laboratories, where there was pressure brought on personnel to make certain determinations with respect to recovered remains?

General CROSBY. From my point of view, sir, I have been in my present job for about a year and have been involved with the laboratory almost from the onset of being here. I have worked with the leadership in the Army all the way through the supervisory staff of an agency here in Washington that deals directly with Colonel Webb on a weekly and sometimes daily basis. I have never heard anyone talk to me or imply to me any pressures for identification.

What we do consider, of course, are the needs of the family, the desire to return remains from Southeast Asia, and if they are identifiable to identify them and return them to the families. And if they are not identifiable, we will classify them as such, and that has been done with regularity. And to my knowledge we have not had any pressure.

But I will add that I have heard—and there again, "I have heard"—that people that work there may generate internal pressures. But that pressure, we have not applied it, nor have I been told of anybody that has put pressure on for identification.

Chairman MURKOWSKI. Is there any knowledge that you may have or your colleagues, with regard to Thorn Helgeson or Lieutenant Colonel Webb who is with us, making allegations or deletions to reports offered by the laboratory's forensic anthropologists?

General CROSBY. Sir, would you state that again?

Chairman MURKOWSKI. Basically, any alterations or deletions to reports that have come out of the laboratory's forensic anthropologists, attributed to Colonel Webb or Thorn Helgeson?

General CROSBY. I have not, sir. I have not heard of it.

Chairman MURKOWSKI. Do you have any comment on that, Colonel?

Colonel WEBB. Yes, sir, I do. I know we have all heard these allegations, and, yes, I do proofread each case before it goes out. And, yes, if I find errors as far as misspelled words or anything of that nature, then I make those corrections.

However, I have never and never will make modifications or changes to the report that changes that report, or that the anthropologists or odontologists who have signed that report disagree with.

Chairman MURKOWSKI. Tell us a little bit about the process of how differences of opinion are resolved, because I am sure in your process, since you have so much information and so many experts involved and such detail to address, you generally discuss in some prescribed manner or procedure and then reach a consensus. Could you give us an idea of how that is arranged?

Colonel WEBB. Yes, sir.

When there is a difference of opinion, and naturally in cases there will be a difference of opinion, we get together as a group and discuss our differences of opinion, with the anthropologists, the odontologists carrying on the discussion, and to this point we have been able to reach a consensus of opinion.

When we are not able to do that, I would say that what we would do when we have a difference of opinion, we would send it to the outside consultants that we have and let them review it and give us their input.

Chairman MURKOWSKI. So, you have not had occasions when there was a dissent in the sense of not being able to reach a conclusion? You have always been able to sit down and resolve it to the satisfaction of all, so that you could reach a unanimous conclusion?

Colonel WEBB. Yes, sir.

Chairman MURKOWSKI. Have you had recommendations concerning identifications being forwarded to the Armed Services Grave Registration office board which were perhaps not consistent with those made by the laboratory's anthropologists in the past? And specifically, in forwarding your recommendations, have there been inconsistencies on occasion with the laboratory's anthropologists or odontologists? This has been a question raised to the committee. You have no knowledge of this?

Colonel WEBB. No, sir.

Chairman MURKOWSKI. With regard to an incident where we had an aircraft go down—and I may be a little loose on the pronunciation—in Laos, a place called Savannaket?

Colonel WEBB. Savannaket?

Chairman MURKOWSKI. Yes, that's pretty close. [Laughter.]

Colonel WEBB. Yes, sir.

Chairman MURKOWSKI. The question is, was morphologic approximation used for the process of examining and identifying of remains used on that particular incident?

Colonel WEBB. Sir, as we have said, if it was used it was not as a basis for identification. As Dr. Maples has said, it is commonly used by anthropologists to get a general idea of the stature of the individual.

Chairman MURKOWSKI. Was this used in that instance, though, to your knowledge?

Colonel WEBB. Not to my knowledge. And sir, I do know that it was not a basis for any of the identifications recommended.

Chairman MURKOWSKI. I am just curious to know if it took place after the notice from the Secretary of the Army not to use that procedure again. Your answer, I gather, is that it did not, to your knowledge.

Senator DeConcini?

Senator DECONCINI. Mr. Chairman, thank you.

First, General Crosby, I want to say to you that the personnel in Hawaii at the CIL, and particularly Lieutenant Colonel Webb, demonstrated to us great professional cooperation when we visited there, and I thank you for that. You have got dedicated people; there is no question in my mind.

The question in my mind is the question of credibility that has now been raised. Identification is very technical, indeed. Maybe a lot of people don't really understand it; I certainly didn't before I got into this matter. Some people don't care, "What difference does it make?" But I think because of the sensitivity of this particular problem, I just want the record to be very clear.

My understanding now is that morphologic approximation is no longer used for positive identification. Is that correct?

General CROSBY. That is correct, sir.

Senator DECONCINI. Now, Colonel Webb, maybe you can answer. In how many cases, to your knowledge, was that technique used for positive identification?

Colonel WEBB. Sir, without going back and looking at the files, that is a question that I can't answer at this time. It may have been used as one procedure where many procedures were utilized, such as dental identification. But without looking at the files, I can't answer that question.

Senator DECONCINI. Is that a great burden, to search the files to find out?

Colonel WEBB. No, sir, it is not.

Senator DECONCINI. Would you supply that to us, in due time? I don't want to put more burden on you than you have.

Colonel WEBB. We will supply it. Yes, sir.

[The information requested was not available at time of publication.]

Senator DECONCINI. No. 2, in the Pakse crash, was morphologic approximation used to identify positively all of the remains?

Colonel WEBB. No, sir, not all of the remains.

Senator DECONCINI. How many? Ten?

Colonel WEBB. We have said and, I think, Dr. Maples has agreed, that two were good dental identifications. We contend that there is another dental identification. So, other than those three, probably it was used in the other cases.

Senator DECONCINI. Which would be 10 cases?

Colonel WEBB. Yes, sir.

Senator DECONCINI. Of the 10 cases that the General said were already buried, three of those 10 were the ones that were positively identified—in your judgment—by other means other than dental records?

Colonel WEBB. Yes.

Senator DECONCINI. So you have seven that were morphologic-approximation identifications.

Now, is it correct that the positive identification of Lieutenant Colonel Hart has been rescinded?

General CROSBY. That is the issue, sir, that I would like to talk about in closed session, as it deals with the individual person that is under litigation, and we recommend that we talk to you on that in closed session.

Senator DECONCINI. I appreciate that. Can you say whether the testimony by Dr. Maples, who stated that that had been rescinded, is accurate or not? Just his statement, not yours.

General CROSBY. Sir, again I would like to ask that we say that in a closed session.

Senator DECONCINI. Can I ask you, then, General, what is classified about this particular——

General CROSBY. It is not classified, sir. The litigation is ongoing, and I have been advised that the best way to provide you that information is through closed session.

Senator DECONCINI. Very good.

Are the seven buried cases where morphologic approximation was used as positive identification under consideration for rescinding, also?

General CROSBY. No, sir, they are not.

Senator DECONCINI. Why not?

General CROSBY. We went back to the families concerned, explained to them the findings of the review board, explained the procedures and process, gave them the opportunity to respond and provide any more information, or ask that we review the case. They elected not to do that, sir. And that is where we stand today.

Senator DECONCINI. Don't you find that a problem, General, continuing to stand on what is now considered an unacceptable forensic technique in anthropology—continuing to carry those on official records as being identified positively? Isn't there a moral obligation, if nothing more, to change the records? And if nobody wants to pursue it, so be it? Don't you feel some problem with that in your own mind, professionally?

General Crosby. No, sir, I don't. When the board reviewed that, the same question arose in the minds of the members of the review team, headed by Dr. Kerley, with Dr. Maples and Dr. Levine as members. They recommended the procedure that we used, to go back to the families, explain to them what were the procedures used, what the results of those procedures were, and ask what they wanted to do. We did that, and the families are comfortable with what has been done. They are comfortable with the identification and the way the results were provided to them, and they do not want to raise the issue.

Senator DECONCINI. So it is your position that if the families are satisfied, our government should be satisfied?

General CROSBY. I am of the opinion, sir, if the families are satisfied, that we should allow them to have their say in the procedure, and continue to do what is necessary to insure that any identification that we provide to any family is the best possible that we can provide.

Senator DECONCINI. In the future?

General CROSBY. Yes, sir.

Senator DECONCINI. Because it is fair to say in this case it was not the best.

General CROSBY. Yes, sir. And I would like to add that Dr. Maples said, in his view—and I am adding my words to his statement—that this is an aberration of the procedures in the lab in the past. This was an unusual case and, again putting my own words to his comment, that the Central Identification Lab in the past, with the thousands of identifications that they have had over the years, have far and away been accurate in their identifications.

The Pakse, Laos case, and the way the accident happened, the resulting excavation by the team headed by Colonel Webb, was a unique case. And in this case they found, the team members, a difference in the way we identified those names.

Senator DECONCINI. I have no dispute with what Dr. Maples said, General, as to the overall picture. I am concerned about the Pakse case, and it seems to me it is clear. It is better to go on record that a mistake was made and has been corrected, and that we are not going to repeat that mistake. My only quarrel now is the fact that the judgment is made that the families say it is okay and our government is obviously going to abide by their wishes. I am not in a position to overrule that, but it leaves some credibility problems.

Let me ask you, regarding the report made by the reviewing team—I think that is February 1986. You indicated in your opening statement that the reviewing team recommendations all had been implemented. Is that accurate?

General CROSBY. That is accurate. I also said, sir, that we went back to the team with some negotiation, if you want to call it "negotiation," or a symposium, in the way we handled the identification and the way that we used consultants. And we went back to them with that, and they agreed to it.

Senator DECONCINI. Dr. Maples indicated that one of the recommendations is that a qualified anthropologist be hired to head up the organization CILHI in Hawaii. Has that been accomplished?

General CROSBY. Sir, what we did is to put a senior distinguished anthropologist in the chain of review. We did not hire an anthropologist, a senior anthropologist, to be onsite at the Central Identification Lab in charge of that.

Senator DECONCINI. Why not?

General CROSBY. Because when we went to discuss it with members of the team, and among ourselves, and instituted the review process of sending the findings of the Central Identification Lab to the Armed Forces Institute of Pathology, to Dr. Maples, and then to the ASGRO Board, we believed that that procedure would serve as very definite review process that would ensure scientific rigidity.

Senator DECONCINI. Who is the individual that is there now?

General CROSBY. There, where?

Senator DECONCINI. That has been put in the review process that you said, the anthropologist.

General CROSBY. There are two. The anthropologist is Dr. Kerley.

Senator DECONCINI. Dr. Kerley is the one?

General CROSBY. Yes, sir.

Senator DECONCINI. You were not part of that before, is that correct, Dr. Kerley?

Dr. KERLEY. That is correct.

Senator DECONCINI. And now you are?

Dr. KERLEY. Yes, sir.

Senator DECONCINI. Now, the report here says that you concur that anthropologists be hired—an additional one or two anthropologists as identification specialists would increase the speed with which remains could be processed in the event that many more bodies are returned or recovered. Has that been accomplished?

General CROSBY Yes, sir, it has.

Senator DECONCINI. So you have how many? Two more anthropologists onsite there?

General CROSBY. We have several more, sir. The exact number I will ask Colonel Webb to state.

Colonel WEBB. Sir, we have hired three additional anthropologists. When I say "anthropologists," that is a position title, "Anthropologist." All three have Ph.D.s in Anthropology.

We have also hired three, by title, Identification Specialists. All three have degrees in physical anthropology. One has a Ph.D., the other a Masters, and the third a Bachelor's Degree in Anthropology.

Senator DECONCINI. Does that include the photographer and radiographic technicians?

Colonel WEBB. The photographer is military. We have increased the military staff as well.

Senator DECONCINI. And has that been accomplished?

Colonel WEBB. Yes, sir.

Senator DECONCINI. What about a full-time experienced investigator?

Colonel WEBB. Sir, we do not have a full-time experienced investigator atthis point in time. The reason for that at this time, sir—and let me explain the way the process works: When we have need for additional information, whether it be dental records, dental x-rays, whatever the need, then we go through the file that we have in the laboratory and examine that file to determine if in fact x-rays had been taken, et cetera. Then we request through the parent Service, whether it be the Air Force or the Navy, that they send personnel out to try to recover those x-rays or whatever information we may need.

Senator DECONCINI. So, you are not going to have a full-time investigator?

Colonel WEBB. Sir, I have got an individual that works in the records room, that maintains all the records; that is his job. But as a trained investigator, he is not, sir.

Senator DECONCINI. He is not, you say?

Colonel WEBB. He is not a trained investigator.

Senator DECONCINI. So when you need one, where do you get one? Do you call the Army or——

Colonel WEBB. Yes, sir.

Senator DECONCINI. Do you do that often? Or do you have any idea how often?

Colonel WEBB. No, sir, we do not, because we go through the parent Service to try to get those records.

Senator DECONCINI. General Crosby, going back to the recommendation that a nationally or internationally known forensic anthropologist, who would bring his or her credibility to the CILHI, should be appointed in a supervisory capacity, is that judgment final, that you are not going to do that, that you have decided to go the route that you explained here?

General CROSBY. As you said, sir, we think that we have accomplished what that report said, "in a supervisory capacity." The supervisory capacity, in our view, is Dr. Kerley. Dr. Kerley has made, and Dr. Maples also has made, the recommendation that we hire an anthropologist to work with the ASGRO Board. And based on those recommendations, while we have not accomplished that, we are going to do that.

Senator DECONCINI. Dr. Kerley, in your recommendation of the team here, it seems a little different to me what you had in mind. Is this what you had in mind as "a national forensic anthropologist who would bring his or her credibility to CILHI should be appointed in a supervisory capacity"?

Dr. KERLEY. What we recommended, actually, is that someone would be hired in a supervisory capacity at the laboratory.

Senator DECONCINI. Yes. Are you that person?

Dr. KERLEY. No, I am not.

Senator DECONCINI. You are not. How often do you go to the laboratory?

Dr. KERLEY. I have been there once.

Senator DECONCINI. Do you do any supervision when you are there?

Dr. KERLEY. I have not done any supervision, simply review.

Senator DECONCINI. Oh. Is it fair to say that the recommendation has been changed?

Dr. KERLEY. It seems to have been changed.

Senator DECONCINI. It has been changed, and now it is complied with in accordance with the change?

Dr. KERLEY. Instead of that recommendation, the Army has gone along with the one further down, that a forensic anthropologist be added to the ASGRO Review Board.

Senator DECONCINI. So, instead of doing the first part of that, they did the second part, but yet they said they concur. And now, the review team says that, in doing that second part, that that is adequate? Is that a fair statement?

Dr. KERLEY. I don't know if I would say it is adequate or not.

Senator DECONCINI. Do you think that they still should have a forensic anthropologist as a supervisor, as Dr. Maples apparently does?

Dr. KERLEY. I believe it would be a good idea, yes.

Senator DECONCINI. Is there any reason that you don't consider doing that, General?

General CROSBY. Yes, sir. Two things. First, the guy who really is the senior anthropologist at the Central Identification Laboratory

has a degree in anthropology and has well over 35 years of experience in the field, experience that has taken him all over the South Pacific identifying thousands of remains. That experience, in our view, makes him an emminent authority in identification of military remains. We do not think there is another anthropologist—there clearly are other anthropologists that are emminent in their field and clearly could do the job of supervisor. We do not, however, think that there are anthropologists that have that depth of experience in military recovery efforts—the knowledge of what happened and the experience that he has gained in just the physical identification of maybe 25-30,000 remains, or being involved in that number.

So, we feel he is emminently qualified to be the senior anthropologist at the Central Identification Lab. We have put him in charge of that lab, which is also one of the recommendations, that we have an anthropologist in charge. And he is now in charge there as the senior anthropologist.

Senator DECONCINI. Would you agree that that is different than what the recommendation was?

General CROSBY. Yes, sir.

Senator DECONCINI. I met the doctor and was very, very impressed with him. What I would like to clarify is that when the Army responds to these things they say "concur," but that really isn't the case. You might have concurred, but you didn't fully comply with the recommendation as it was made; you came up with other adjustments or alterations. That is just a fair statement, is it not?

General CROSBY. Yes.

Senator DECONCINI. For the further reasons that you just gave.

General CROSBY. And may I clarify that?

Senator DECONCINI. Certainly.

General CROSBY. And then we went on, however. After we reviewed that report and we concurred, through our initial study of the reports, discussions internal to the staff and reviewing what we were going to do, we took the team's report, went back and discussed with the team members that solution. And it was our opinion that we had concurrence that that would provide the supervision, the oversight, it would provide the positive concurrence, and it would provide us a good methodology of ensuring that the identifications were correct.

Senator DECONCINI. Do you still stand by that now, with the testimony by Dr. Maples and now Dr. Kerley, that you probably should have an eminently qualified non-civil service anthropologist, as a supervisor there?

General CROSBY. Sir, in our view, because of the experience and our experience in the recovery of military remains, as opposed to strictly the anthropological viewpoint, I say, Yes, sir, I do.

Senator DECONCINI. A last question, General. You discussed a little earlier, and so did Colonel Webb, the fact that there was no pressure put on you, or none that you know of. Has there been pressure put on you as the result of the exposure that the techniques used in these identifications are debatable—other than these hearings perhaps—to do anything about those positive identifications that were made by morphologic approximation?

General CROSBY. No, sir, there has not.

Senator DECONCINI. You don't have any other pressure, except what might be derived from this process?

General CROSBY. That is right, sir, and the fact that we want to make sure that, whatever we do, we have the process in being that does it properly, and make sure that we execute our responsibilities.

Senator DECONCINI. Another question, General. You said that we have a number of these types of operations around the world. Is that classified, how many we have?

General CROSBY. No, sir, it is not. I don't know exactly how many there are.

Senator DECONCINI. Do you know, Colonel?

General CROSBY. I think it is three.

Senator DECONCINI. Three? Where are they?

Colonel WEBB. Sir, let me clarify that a little bit. We don't have actual identification laboratories like the one that we have in Hawaii. What we do have are mortuaries throughout the Army system which on occasion do perform CIL functions.

Senator DECONCINI. I recall the briefing you gave us.

Colonel WEBB. That is right.

Senator DECONCINI. I thought maybe there was a difference of opinion here.

Colonel WEBB. No, sir. Just to clarify——

Senator DECONCINI. But this is the only laboratory?

Colonel WEBB. Yes, sir, this is the only identification laboratory that we have in the Army.

Senator DECONCINI. Well, General, is there anything under discussion on moving that laboratory to the United States, such as was suggested by Dr. Maples?

General CROSBY. No, sir, there is not.

Senator DECONCINI. I mean to the mainland, excuse me.

Chairman MURKOWSKI. I was going to say, my friend. [Laughter.]

Senator DECONCINI. Please don't tell my colleagues from Hawaii.

Chairman MURKOWSKI. If Sparky heard that, he would be here in a minute. [Laughter.]

Senator DECONCINI. I felt his chair jump, there. [Laughter.]

Senator DECONCINI. To the mainland, you say there is none?

General CROSBY. No, sir. We reviewed that recommendation and felt that it could serve its purpose where it is.

Senator DECONCINI. What do you think, Dr. Kerley?

Dr. KERLEY. I should think that, in view of the fact that most of the remains are coming from the Far East, it would be an adequate place to keep it.

Senator DECONCINI. You don't agree with Dr. Maples that there is more advantage of having it here on the mainland than in the State of Hawaii because of the availability of libraries and experts such as yourself?

Dr. KERLEY. Well, in this day and age of telephones and airplanes, I don't think that the distance is the major isolating factor.

Senator DECONCINI. So, those anthropologists can get whatever information they don't have available there through the telephone, in your judgment?

Dr. KERLEY. Through journals, through memberships in scientific societies, and particularly by attendance at meetings.

May I comment on a couple of things?

Senator DECONCINI. Yes, sir, as far as I am concerned, anyway.

Dr. KERLEY. I do concur with the General that Tadao Furue has probably more experience in successful military identification than any other forensic anthropologist.

Senator DECONCINI. But, is it not fair to say that he is the one that has come up with morphologic approximation as a positive identification? Is he onboard now, Colonel Webb, as not using that anymore?

Colonel WEBB. Yes, sir, he is.

Senator DECONCINI. Thank you.

Go ahead, Dr. Kerley. Did you have something else you wanted to say?

Dr. KERLEY. As to if it was adequate. If what the Army has done as an alternate to hiring a forensic anthropologist out there, over Dr. Furue, was adequate? Yes, I believe it is adequate, as long as there are two forensic anthropologists somewhere in the review process.

Senator DECONCINI. Well now, you are changing your position. You said a minute ago that you thought there still should be supervisory——

Dr. KERLEY. It is not optimum, but it is adequate.

Senator DECONCINI. Not optimum. Okay, that is fair enough.

Thank you, Mr. Chairman. Thank you General and Colonel Webb. Thank you.

Chairman MURKOWSKI. Before I call on Representative Bilirakis there are just a couple of points that I want to make sure I understand for the record, and that is the reporting process, if you will.

I believe Mr. Furue reports to Colonel Webb. Is that not correct?

Colonel WEBB. That is correct, sir.

Chairman MURKOWSKI. All right. And the relationship between Mr. Furue and Dr. Kerley is specifically what, sir?

Dr. KERLEY. We worked together 30 years ago in Japan for a couple of years, during the identification of the war dead.

Senator DECONCINI. And you are a close friend?

Dr. KERLEY. I have seen him perhaps three times since then, yes, at scientific meetings.

Chairman MURKOWSKI. But your relationship goes back a long ways, is that not correct? He was the best man at your wedding, and so forth?

Dr. KERLEY. Yes, he was.

Chairman MURKOWSKI. So, you have had a close relationship, I would assume.

Dr. KERLEY. I don't know how close, but——

Chairman MURKOWSKI. Well, obviously I don't either. But the question is one of objectivity, and professionally there is no question about that ability to be totally objective in his profession?

Dr. KERLEY. I should hope not.

Chairman MURKOWSKI. And his capability. And in your testimony you stated that you believe he has those qualifications that are necessary to carry out the responsibility.

Dr. KERLEY. I have said that his experience in identifying military remains is probably the most extensive of anyone in the world.

Chairman MURKOWSKI. I guess, again, I would refer to the question of Furue's insistence to proceed with the morphologic approximation process. That evidently—well, we have had the reference from Colonel Webb that that matter has been resolved and that that morphologic process is not utilized.

Again, I gather that at least on the part of Mr. Furue there has been a feeling or a recommendation that perhaps we are moving off that process a little too early, that he has supported in fact that process, and that while you have since dictated the change in policy, he seems to feel that that process does have a place in identification. Is that not fairly accurate an interpretation?

Dr. KERLEY. Yes, sir, I think that is a fairly accurate interpretation. He is in the process of trying to actually document that and publish it, and see if it can be accepted by the professional community.

Chairman MURKOWSKI. It would have been helpful to this committee had he been here. Is there any reason why he was unable to come before our panel?

Dr. KERLEY. I don't know, sir.

Chairman MURKOWSKI. Was it contemplated, perhaps, that he be included? Or was it that we didn't ask? Or a combination of both? General?

General CROSBY. I made the decision as to who would come, and it was based upon what I understood was going to be asked. So, I asked the Commander of the Laboratory—which would be the normal person to deal with—Dr. Kerley, who is our team chief of the investigative team, and the other two members because of their backgrounds and understanding of CILHI.

Chairman MURKOWSKI. But you would have no objection if we asked him to come, personally?

General CROSBY. No.

Chairman MURKOWSKI. Thank you, gentlemen.

Representative Bilirakis?

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Dr. Kerley, what is the difference between a physical anthropologist and a forensic anthropologist?

Dr. KERLEY. All forensic anthropologists are physical anthropologists, but the reverse is not true. Many physical anthropologists deal with fossil remains and fossil specimens, fossil men, or with primate studies. Forensic anthropologists are those who have taken their training and experience and applied them to the public problems of identification of unknown remains.

Mr. BILIRAKIS. All right. But what has been some of their training and some of that experience that affords itself well toward this type of a problem?

Dr. KERLEY. That would include the study of human anatomy, of osteology, the human skeleton, in addition to standard physical anthropology courses, and also some experience, supervised experience, in forensic cases.

Mr. BILIRAKIS. And these are all things that a physical anthropologist would not have?

Dr. KERLEY. Not necessarily.

Mr. BILIRAKIS. Not necessarily?

Dr. KERLEY. Many don't.

Mr. BILIRAKIS. Meaning what? He might acquire them as the result of experience, but he does not study them? In other words, he hasn't been educated formally in them?

Dr. KERLEY. Thirty years ago there were no courses in forensic anthropology. Most of us have picked up our experience along the way, because we studied physical anthropology, anatomy, osteology, and the like.

Mr. BILIRAKIS. You are a forensic anthropologist?

Dr. KERLEY. I am.

Mr. BILIRAKIS. Well, are you self-declared as a forensic anthropologist?

Dr. KERLEY. I am board-certified.

Mr. BILIRAKIS. You are board-certified. And that is the result of the work you have had and the proper education, and the proper experience, and what not?

Dr. KERLEY. My total experience and——

Mr. BILIRAKIS. But Mr. Furue qualifies as a forensic anthropologist?

Dr. KERLEY. Well, he has not at present.

Mr. BILIRAKIS. He is not, right.

Dr. KERLEY. Right.

Mr. BILIRAKIS. But would he qualify? Has he made any attempts to be board-certified, do you know?

Dr. KERLEY. No, he has not.

Mr. BILIRAKIS. Is it your position, Dr. Kerley—and, you know, Mr. Furue is not here to defend himself; not that he needs to be "defended," so to speak, other than possibly in this particular process. We were all impressed with him, I think I can safely say, when we were there. Although, who are we? We are certainly far from experts in that area.

Is a physical anthropologist adequate to do this job, particularly considering the sensitivity of it all, the significance of it, what it means to the families, what it means to the country? You know, because of its great emphasis? Would we take into consideration, going back to General Crosby's statement, the President has assigned the highest national priority and pledged the full resources of the government? I am wondering if those resources include a forensic anthropologist anywhere along the line, or to the effort to obtain.

Dr. KERLEY. Well, you have several forensic anthropologists, or anthropologists who have their degrees including some forensic study, at least, who have been hired there.

Mr. BILIRAKIS. Who have been out there?

Dr. KERLEY. Who have been hired there.

Mr. BILIRAKIS. Oh, who have been hired there? We have forensic anthropologists now working at CIL?

Dr. KERLEY. I don't believe any of them are board-certified, but they have had the training. Only Furue has had the experience that he has. There is a difference in degrees, between the degree he received in Japan and the Ph.D. and Masters degrees that we

award in this country that, according to the rules of the American Board of Forensic Anthropology, that preclude his applying.

Mr. BILIRAKIS. Who made the decision, sir, that there in fact was positive identification of these remains? Who was the bottom-line decider? Was it Mr. Furue?

Dr. KERLEY. I'm afraid I should defer to Colonel Webb on that.

Colonel WEBB. Sir, that decision was made by Tadao Furue and Marla Mahoney, who are the anthropologists, were the anthropologists, working in the lab at that time.

Mr. BILIRAKIS. Physical anthropologists?

Colonel WEBB. Yes, sir.

Dr. KERLEY. In point of fact, I believe the ASGRO Board also makes the official qualification.

Colonel WEBB. That is right. They made the recommendation, and the ASGRO Board accepted that recommendation, approved it. But they made the recommendation.

Mr. BILIRAKIS. You weren't part of that. Would you have concurred with their recommendation if you had been there back in 1985?

Dr. KERLEY. No, I would not.

Mr. BILIRAKIS. You would not have?

Dr. KERLEY. No.

Mr. BILIRAKIS. And that is why? Because God made us all different and we disagree on things, or is it because you have more experience and more background, and you are a board-certified forensic anthropologist?

Dr. KERLEY. I don't think that would influence my decision. My decision would be that, by all methods known to me, I would be unable to identify the fragments of bone that were represented in these charts.

Mr. BILIRAKIS. Is there anybody on the ASGRO Board qualified to review anthropologists' work?

Dr. KERLEY. Not as it was constituted when we were out there.

Mr. BILIRAKIS. All right.

Dr. KERLEY. We mentioned that in our report.

Mr. BILIRAKIS. All right. Some mistakes were made, I think you would agree with that?

Dr. KERLEY. Yes.

Mr. BILIRAKIS. Colonel Webb, I believe on the 20/20 Program we recently saw, you indicated you at that time at least stood by the CIL's positive identification recommendations. Do you still stand by them?

Colonel WEBB. Sir, I still personally believe that we probably have a good identification. Can we prove it? No, we cannot.

Mr. BILIRAKIS. Well now, General Crosby, you referred to a "re-evaluation." Was that the word that you used?

General CROSBY. Yes.

Mr. BILIRAKIS. Is that a reevaluation insofar as these particular remains are concerned? Or is that a reevaluation of the entire concept, the entire picture, the entire way of doing things?

General CROSBY. You have two questions there, sir.

Mr. BILIRAKIS. Yes.

General CROSBY. First, we reevaluated the procedures from the Pakse, Laos crash, and the remains, and the identification that was

made. And as I mentioned earlier, I went to the families and asked for their input, to be reconsidered by the ASGRO Board. We did that——

Mr. BILIRAKIS. Excuse me, sir. Forgive me. I am not usually in the habit of interrupting Generals. In other words, were you considering, if the families had been amenable, exhuming the remains of those who had been buried?

General CROSBY. If those families asked that we reevaluate and provided us with that type of information, we would have reevaluated that decision.

Mr. BILIRAKIS. Continue with your answer, then. I am concerned about your reevaluation. What do you mean by "reevaluation"?

General CROSBY. What I mean by reevaluation?

Mr. BILIRAKIS. Yes.

General CROSBY. Based on the recommendation of the team, we took that recommendation and went to the families and asked them their views. Based upon the input from the families we then, for those who asked that we provide the ASGRO Board the remains—or the results, excuse me—the results, had that decision run through the new process, which included the review of the CILHI by the Armed Forces Institute of Pathology and Dr. Kerley, and based on their recommendation we would reevaluate the identification. And that is the procedure we used.

You asked me also if we would exhume. It may not be necessary to exhume. It may be that, if they had additional evidence, additional input, we would have taken the report and submitted that report again through the procedure.

Mr. BILIRAKIS. If who had additional evidence?

General CROSBY. The families.

Mr. BILIRAKIS. The families?

General CROSBY. Yes, sir. And we would have resubmitted that report of identification through the same process that I just mentioned, again, which included Dr. Kerley. And based upon their review and their recommendation, we would have passed that to the ASGRO Board, and the ASGRO Board would have acted on it, just like they did under the one case that we had previously.

Mr. BILIRAKIS. What would they have accomplished without having the remains to have taken a good look at?

General CROSBY. The ASGRO Board does not view the remains. The ASGRO Board takes the recommendation from the identification lab, and with that input makes a recommendation on identifications.

What they could accomplish by putting it through the procedures again is that it would be reviewed by both the Armed Forces Institute of Pathology and Dr. Kerley, as an emminent forensic anthropologist, which is a different procedure than we used the first time around.

Mr. BILIRAKIS. But Dr. Kerley has already told us that it is impossible, to his way of thinking, based on his background and experience and education, to have identified most of those people.

General CROSBY. That is correct.

Mr. BILIRAKIS. And Dr. Maples told us that, also. So, what would we do, take those files and reopen them again, and put them in the

MIA/POW category again? Is that what would have been the ultimate result of it?

General CROSBY. Only for those family members who asked for another review. And if that review said that it was not identified, then that is probably what we would do. That is what we are facing at some time in the future. If that happens, then that is what we are going to have to do.

Mr. BILIRAKIS. General Crosby, you said in your testimony here, your prepared testimony, the "U.S. Army Central Identification Laboratory was established in Thailand in March 1973," et cetera, et cetera. Dr. Maples said to me that this was something that was in existence going back to the early 1950s. Was there such a thing as a Central Identification Laboratory in existence prior to 1973?

General CROSBY. I am not knowledgeable on that.

Dr. KERLEY. I can answer that question.

Mr. BILIRAKIS. All right.

Dr. KERLEY. I worked at it in Japan in 1954 and 1955.

Mr. BILIRAKIS. It was the Central Identification Laboratory?

Dr. KERLEY. Central Identification Laboratory.

Mr. BILIRAKIS. With the same sophistication as you have today?

Dr. KERLEY. Less than we have today.

Mr. BILIRAKIS. Less than we have today. What are we saying, that there are comments made that there are Central Identification Laboratories in other parts of the country—and, please, General Crosby, I am not trying to——

But basically, it was determined that they are mortuaries. What is it? We had a physical anthropologist in those mortuaries around the country? And is that equivalent to the Central Identification Laboratories we had in the early Fifties?

General CROSBY. I am not aware of the Army setup with regard to the mortuaries, but I doubt that there are anthropologists there, not to my knowledge. Those are body processing centers, I believe.

The Central Identification Laboratory, there used to be one in each theater to process the remains from World War II and also from the Korean War.

Mr. BILIRAKIS. Well, you know I think it is pretty obvious that I am greatly concerned with wrong identifications having been made in the past. I know that every family wants to finally put this issue to rest, one way or another. I think we all want to put it to rest one way or another, ultimately, and certainly not too long from now.

But I think we have also established there have been mistakes made in the past, and there isn't anybody who could convince me that putting the remains, bones, in four caskets and then identifying them as being nine people back in 1968, was any kind or form of positive identification.

Many of those families want to put the thing to rest. Some of those families are not at all satisfied. I think we owe as much to those who are not satisfied as we owe to those who want to put it to rest, who want to just go ahead and accept it, even though there may be an element of doubt—there is bound to be an element of doubt—in their minds. And I know you all want to do this.

Colonel Webb, you have a tough job. You have great duty insofar as where you are stationed geographically, but you obviously have

a tough job otherwise. And I have to thank you on behalf of everybody, and commend you there. But the fact of the matter is that mistakes have been made.

Now, are we going to say let bygones be bygones and forget about the past, and say, "Well, there are 15 recommendations here, we are going to adopt most of them and figure that we are going to be better in the future, but forget about the past"? Or are we going to take a look at some of these past cases without necessarily opening up the door completely to all of them, and maybe reopen some of those files and put them back into the MIA/POW category so that, if we do find future fragments, we at least can have an open file for matching purposes, if you will?

I think that is my last question, but it means an awful lot to me, I don't mind telling you. And I don't know that there is going to be any kind of an answer from this panel, but I will not be satisfied until we get an answer to my question.

General CROSBY. We wili respond to you, sir.

Mr. BILIRAKIS. Go ahead, please, General.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much.

Dr. KERLEY. Mr. Chairman, may I add a comment?

Chairman MURKOWSKI. Surely.

Dr. KERLEY. I don't want the impression to be given or too much emphasis to be given to the idea that mistakes have been made. I wasn't referring to misidentifications. We found no evidence that these could not be the people that they were said to be. But we found no definitive evidence that they were.

Mr. BILIRAKIS. All right, now. You have found no evidence that they positively are, either. And there is a big difference there.

Dr. KERLEY. Quite right. I wanted to make that obvious.

Mr. BILIRAKIS. Yes, sir. But in light of this statement of the President, and in light of the way I think we all feel, and in light of the sensitivity of it all, we should not be approaching it from the standpoint "they may be," I think we should be approaching it from the standpoint "they must be," or they have positive identification, if they are going to have positive identification.

Dr. KERLEY. By far, the majority of the Army's identifications have been positive, or very strong identifications.

Mr. BILIRAKIS. What you are saying is, this is not indicative of past identifications?

Dr. KERLEY. Absolutely.

Mr. BILIRAKIS. This is not indicative?

Dr. KERLEY. Not indicative.

Mr. BILIRAKIS. In the cases of the nine, the supposedly nine, batches of bones buried in four caskets? You would say that is not very positive, too, back in 1968?

Dr. KERLEY. I am not sure what cases you are referring to, so I can't respond to that.

Mr. BILIRAKIS. I know that you will be available to help us when we go into the specific situations. Thank you, Dr. Kerley.

Dr. KERLEY. Yes, I will.

Chairman MURKOWSKI. Thank you, Representative Bilirakis.

I want to thank you gentlemen for your testimony. I think you and the others that make up the Central Identification Laboratory

are obviously knowledgeable and extremely dedicated. I think, though, that serious questions have been raised today. I think the Army has the responsibility to address and resolve the issues that have been brought out by the testimony here, not only by you gentlemen but the questions raised by my colleagues. I think affects the credibility, if you will, of the process. I think that the continuance of the Central Identification Laboratory must remain intact. I think there is a legitimate concern on behalf of some of us with regard to the location of the laboratory. I had an opportunity to view it, along with my colleagues who are on the panel today, and I think there is a great deal of capability.

The question is whether the Armed Forces Laboratory here in Washington, and the availability of that—the specific name is the Armed Forces Institute of Pathology—whether that expertise could lend to anything additional, obviously you are in a much better position professionally to evaluate.

But I think the bottom line is, the burden has to be with the Army. That is where the bottom line is. And I think, particularly as we examine the Pakse crash site, and have heard the evaluation of the testimony which would lead one to the conclusion that indeed there is not positive identification, in that case as well as perhaps others, this is the responsibility of the Army. And I am sure, General Crosby, that you acknowledge that responsibility for the identification. Is that not correct?

General CROSBY. Yes, that is correct.

Chairman MURKOWSKI. And you will be forthright proceeding with the reevaluation of the process. Again, I feel, in bringing this matter up again for those who have families, this indeed is an additional effort. But by the same token, the necessity of reaching the most positive identifications is the responsibility of you, gentlemen, and I would urge that you proceed with it with dispatch.

Every time questions are raised, obviously it is of great interest to those who are hoping that there might still be some chance for survival. And of course, that is the object of this hearing, to try and bring these matters to focus, so that we can reflect indeed on what we have left at the conclusion of the process.

I think as we reflect on the advancement that has been made on the issue of POW/MIAs, the significance, particularly in Vietnam, is that we do have a work plan proceeding, we do have substantial advancement in reducing the number of MIAs. I would still reflect on the percentage, in comparison with the Second World War and the Korean War, each of which were 19 to 20 percent unidentified, compared with the Vietnam War where we are working with a figure of between 5 and 6 percent. So, I think that indicates that indeed a great deal of commitment, energy, and money has been expended by this Administration to try to reduce this problem, to focus in on a very real reality of what remains. And we are still making progress in that area.

In conclusion, I want to advise that in the release of various communications today, this was done so as a consequence of the intention of the Chair to release these letters after Major Smith's testimony; but, since Major Smith was not in attendance, it was felt appropriate that the letters be released.

Again, we have the letter from myself to Representative Hendon concerning Mr. Gregson's or Obassy's identity, and substantiating evidence that was released of the true name of Obassy/Gregson in a periodical some time in April. Also, a letter from myself as Chairman, inviting various Members of the House and other interested parties to participate as witnesses during the hearing process.

We also have released a letter from the attorney for Smith and McIntire. This letter refers to specifics of consideration for the film, some $4.2 million, which was the amount of money suggested that would be passed once the alleged film was seen and satisfactory evidence of live sightings was transmitted to others, and that certain individuals view the film, and that the moneys be carried and released only after they were satisfied that indeed the film was reasonable evidence that there were MIA/POWs being held. Well, obviously, that is still the intent of the hearing, to try to address this alleged film. That is what we had hoped to do in receiving testimony from Smith today. But I think it is fair to say that some of us are beginning to question the reliability of this information. We indeed hope that there is such information, but we have not seen the information.

I might indicate again that we will proceed with the subpoena process of both Smith and McIntire. We will also include Mr. Robin Gregson, even though he is a British citizen and has spent a good deal of time in Bangkok. The information I have is that his involvement has been in international drug and gold dealings. Allegedly, he has been accused and convicted in Bangkok of planting drugs on American tourists and then of accepting alleged kickbacks from officials to avoid prosecution by the Americans. I don't know quite what that adds up to. He allegedly has a strong dislike for the American Government, because he believes the American Government is harassing him.

I am told that his arrest in Singapore several months ago was on charges of fraud. I am told that he is currently in the United States, that he has legal representation, that he was acquitted of one charge in his incarceration in Singapore. Today he is reported to be in North Carolina.

I am further told that he has refused to cooperate with Major Smith to provide any information to this committee, which, of course, is contrary to the information that we had previously. He allegedly is taking this action because he believes that he has been mistreated by the U.S. media.

So, with that profound observation, I will conclude the hearing, with a further hearing to be scheduled when the subpoenas are served and a date is set. At that time we would again hope to have Smith and McIntire present to pursue the allegations that have been presented before the committee.

We would also entertain a hearing to address the remaining inconsistencies, charges and countercharges, by bringing the various witnesses together, and it would be my hope at a later date to draw some conclusions from the process that we have gone through. That would be, of course, with the concurrence of my colleagues, to indeed address the question of whether it is appropriate that conclusions be drawn. But I think we might compare the process to the pulling together of the pursestrings, and we are getting down

to the point where, while we still offer an open forum, we have no current witnesses that have had or indicated to us that they have first-hand information. So, we are still pursuing the information on the basis of those witnesses who claim to have evidence, and that pretty much rests with McIntire, Smith, and Obassy/Gregson, which are the same.

Do you have anything to add?

Mr. BILIRAKIS. No, Mr. Chairman. I know we are all very interested in the testimony of Sergeant Dennis—was it?—who now lives in North Carolina, and I think we all are we have an opportunity to get to talk to him again. I am sure you will be considering that.

Thank you.

Chairman MURKOWSKI. Thank you. We would conclude our fifth hearing and wish you a good day. The record will remain open for a period of 10 days.

[Whereupon, at 12:01 p.m., the hearing was recessed, to be resumed at a later date.]

"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

WEDNESDAY, JULY 16, 1986

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m., in room SR-418, Russell Senate Office Building, Hon. Frank H. Murkowski (chairman of the committee) presiding.

Present: Senators Murkowski, Simpson, Thurmond, Specter, Denton, Boschwitz, DeConcini, and Rockefeller.

Also present: Representatives Solomon, McEwen, and Bilirakis.

OPENING STATEMENT OF CHAIRMAN MURKOWSKI

Chairman MURKOWSKI. Good morning. I see the sound is working. That is much better than usual.

I want to call the Senate Veterans Hearing to order. I want to welcome you. This is the sixth in this committee's series of investigations concerning the possibility of American servicemen being held in captivity in Southeast Asia. This hearing has been convened to afford the committee an opportunity to hear further testimony from Mr. Mark Smith and Mr. Melvin McIntire in accordance with the subpoenas which were issued to both of these gentlemen.

The gentlemen in question appeared initially before the committee on January 28, 1986, and at that time indicated their willingness to share with us the information they allege to possess or have knowledge of regarding the fate of a number of more than 2,400 servicemen listed as missing in action in Southeast Asia.

In addition, this morning the committee will also hear from a witness, Mr. James Coyne, who spent some 36 months in Thailand investigating live-sighting reports. Mr. Coyne has a good deal of knowledge of the activities and individuals related to this particular issue.

As a matter of reference, during the first appearance, Mr. Smith and Mr. McIntire informed the committee that they had collected a good deal of information and had evidence which would prove that American servicemen had been held captive in Southeast Asia as recently as 1984. They testified under oath that they, not Mr. Gregson nor anyone else, possessed certain evidence, including photographs, maps, documents, which would prove the existence of live prisoners of war in Southeast Asia. They agreed to provide this in-

formation to the committee by February 5, 1986. No such information was provided to the committee by that date, nor, to my knowledge, has there been any provided subsequent to that date.

Both Mr. Smith and Mr. McIntire also testified as to the alleged existence of a videotape which allegedly depicts Caucasians in captivity in October of 1985. Mr. Smith claimed to have viewed the 248 minutes of tape while Mr. McIntire did not.

Based upon the testimony of both Mr. Smith and Mr. McIntire, the committee was of the clear understanding that they were not in possession of the videotape and, in any event, no one would be able to identify those Caucasians in the tape. They did say that they would do everything they could to secure a copy of that tape, and I have no doubt as to either Mr. Smith or Mr. McIntire's commitment to this endeavor; however, I must stress that the videotape was not the basis for the committee's issuance of the subpoenas.

At my direction, along with the concurrence of all the members of the Senate Veterans' Affairs Committee, the committee chief counsel, Anthony Principi, telephoned the attorney for both Smith and McIntire to request that the information possessed by his clients be forwarded to the committee as previously agreed. When this request went unanswered, I initiated correspondence to both Smith and McIntire, attaching excerpts of their sworn testimony, and asked once again that they comply with the agreement to the committee. Unfortunately, the entire correspondence was either ignored or, in any event, we had no response from the individuals.

The failure of Mr. Smith and Mr. McIntire to cooperate was the basis for the issuance of the subpoenaes. Now, some 6 months since their testimony before the committee and some nine months since they approached the committee claiming to have information regarding American prisoners of war, we have been told that I, as chairman, and members of the committee are responsible in some manner or form for Mr. Smith and Mr. McIntire's failure to cooperate with the committee. We are told that the alleged videotape is the object of their refusal to testify. We are advised that, because the identity of the individual apparently in possession or at least in control of a copy of the tape was mentioned during a committee hearing on May 1, 1986, Mr. Smith and Mr. McIntire would not cooperate with the committee.

I think it is important to make it very clear at this time that the committee was not the first to make public the identity of John Obassy, the man alleged to control the elusive videotape. Mr. Obassy was known to be one Robin Gregson by many individuals within the Federal Government and the same was reported by the weekly news magazine Insight, published by the Washington Times on April 28, 1986, days before the committee hearing in question. I have a copy of that particular article dated April 28, 1986, from Insight magazine.

In addition, the Department of Defense furnished the committee with an unclassified chronology of the events in this case which clearly indicated Mr. Obassy's true identity, and we have that statement, first page of the Department of Defense Chronology of Events.

So in order not to cloud the issue any more than it already is, the mention of Robin Gregson or the alleged videotape could not have any connection to Mr. Smith or Mr. McIntire's obligation to come forward and present whatever evidence they may have concerning the POW/MIA issue. In view of the fact that Mr. Gregson has become a key figure in the latest turn of events, perhaps it is important for the American people to know a little bit about this individual.

Recently I directed that cables be sent to the appropriate government offices in Bangkok, Thailand and Singapore. I would like to share with the committee some of the information which is now a matter of public record. According to the cable I received from the U.S. Embassy in Thailand, Mr. Gregson was arrested in Bangkok on January 18, 1982 and eventually convicted on March 26, 1984. The charges arose as a result of the arrest by Bangkok in June 1981 of an Australian tourist who was alleged to possess an amount of heroin. Mr. Gregson was charged with unlawfully demanding 10,000 U.S. dollars from the Australian's traveling companion to allegedly use in inducing the Thai police to drop charges against the Australian. As a result of his conviction on this charge, Mr. Gregson was sentenced to 4 years imprisonment, but was then released on bail pending appeal.

On January 31, 1986, the Thai Court of Appeals upheld Mr. Gregson's conviction. Under Thai law, the judgment is to be read in the presence of the individual who has been convicted. Mr. Gregson failed to appear before the court of appeals. On June 19, 1986, the court made public its decision to uphold Mr. Gregson's conviction and issued a fugitive warrant for Mr. Gregson's arrest.

Mr. Gregson was recently arrested again, this time in Singapore, on charges filed April 3, 1986, that Gregson and a Lebanese associate, Maurice Bishoti, conspired to cheat a Mr. Pigibe Olani, a Singapore businessman, of $44,000 in U.S. currency in connection with a proposal to obtain jobs in Lebanon for Sri and Indian foreign workers and so forth. Charges were withdrawn in late May after an out-of-court settlement was reached to repay Mr. Pilay a major portion of the sums involved. Funding for this settlement was arranged by certain individuals in the United States who visited Mr. Gregson during his detention in a Singapore jail.

There are other numerous allegations concerning Mr. Gregson and his background. However, in view of the fact that we have no evidence as to their validity, we shall not go into them at this time. We shall hear from witnesses this morning who know Mr. Gregson and can testify as to the issue of the videotape.

Mr. Gregson and his associates have demanded payment of some $4.2 million for copies of the alleged videotape showing Caucasians being held captive somewhere in Southeast Asia.

I would like to make it very clear it is not the committee's desire to serve subpoenas on Mr. Smith or Mr. McIntire, but due to the lack of cooperation, the committee was left with obviously no other choice. I would like to also make sure that we remember that it was both Mr. Smith and Mr. McIntire who initially approached this committee and indicated that they had evidence proving the existence of American POW's in Southeast Asia.

This committee has provided them and others with the forum to be heard. Yet in the 9 months we have not had anything forthcoming. It is my sincere hope that today these gentlemen will be forthcoming with all information and evidence they claim to have had which might assist the U.S. Government in answering those haunting questions surrounding the whereabouts of our MIA's. If they chose not to provide it through the committee, I would hope that they would consider turning it over to other government officials or nongovernment officials such as Ross Perot. Unfortunately, that does not appear to be the case up to this point.

Mr. Smith is quoted as saying that he would prefer to go to jail rather than cooperate with this committee. I hope that statement is inaccurate, but rest assured, Mr. Smith and Mr. McIntire, the committee does not seek to hold you in contempt, but only to obtain the information you promised to provide. If you choose not to provide this information to the committee in order that we may turn it over to the appropriate Government officials for analysis under strict committee oversight, then obviously, gentlemen, that is your decision. The American people can draw their own conclusion by your failure to provide the committee with this information. If you do have proof, please provide it today. If you fail to provide it today to this committee or in another forum, you will have exhausted the patience of this Senator and much of the American public, as well.

Mr. Smith, please provide me and the families and the American people whatever information you claim would show American POW's are still held in Southeast Asia. Obviously, the committee believes that there may be Americans being held in some capacity against their will somewhere in Southeast Asia.

You, Mark Smith and Melvin McIntire, hold the hearts of these families in your hands. What do you plan to do with them? You came to the committee asking us to listen to you; we did. If you for any reason do not want to give this information you claim to possess, then, please, give it to someone else. Anyone. But the time has come to stop causing the continued anxiety of the family members.

At this time, I would like to recognize Senator Strom Thurmond, a senior member of our committee.

OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Mr. Chairman, I will just take about 10 seconds.

Once again, let me commend you for holding these hearings on the frustrating, yet extremely important, questions surrounding our servicemen who have been missing in action in Southeast Asia for many years. I have another commitment I have got to go to and I will ask you to excuse me at this time.

Chairman MURKOWSKI. Thank you. Senator DeConcini.

OPENING STATEMENT OF SENATOR DeCONCINI

Senator DECONCINI. Mr. Chairman, thank you very much.

Mr. Chairman, I also thank you for continuing these hearings. I think it is very important that we pursue this matter to the ultimate end, if there is an ultimate end.

My concern this morning is hopefully to hear from Mr. Smith and Mr. McIntire and others about the whereabouts of certain evidence that has been promised to us that will help substantiate the claims that there are indeed Americans being held in Southeast Asia against their will. My concern here is not to labor over personalities involved in this effort, because, as the chairman has pointed out, the hearts and feelings of American families are involved here. As interested parties, we all ought to be able and willing to lay the so-called cards on the table. If someone has exaggerated or expanded on what they believe to be certain evidence, that is understandable, in this Senator's mind, because of the emotional aspects of this particular subject.

Likewise, if there is evidence and it has been stated that there is—videotapes, photographs, voice tapes perhaps—then I really implore those who may have it or may know where it is to come forward now so that, as the chairman has said, the American people or at least the families that are so involved, can have it, as well as the many of us who have no relatives but have become emotionally attached to this issue. It is not difficult to do because we know people who have lost family members and who have been involved in this a lot longer than we have.

So my plea to those who are here is to come forward with that evidence in a spirit of trying to substantiate the fact that the Vietnamese Government, though they may be cooperating with us now, has done everything it can to keep our government from having this information. And if it be, Mr. Chairman, that someone in our Government, high or low on the totem pole of military or civilian rank, as hard as it is for this Senator to believe, has participated in any effort not to disclose relevant information, I think that it is important that it be exposed. But it must be done by more than innuendo and charge. We must have some facts substantiated.

So I am really here to appeal to the witnesses that I hope appear today, asking them to help us, asking them to come forward with that information. No one is going to be damaged, no pride is going to be hurt if that information is brougt forward here. If anything, the chairman and all of us will be most grateful to those who provide us that information.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you, Senator DeConcini.

Before I call on Senator Alan Simpson, let me just advise, for the inconvenience of those of you who are somewhat crowded, we attempted to get a larger hearing room. Unfortunately, we were unable to do so, and if the chairman appears a little foggy this morning, why, I left Fairbanks, Alaska, at 7:30 last night and just got in at 9:10 this morning, so about 13 hours of flying.

Senator SIMPSON. Was it foggy there? [Laughter.]

Chairman MURKOWSKI. It was foggy there and it is foggy here. [Laughter.]

Senator BOSCHWITZ. The Chairman appears about normal to me. [Laughter.]

Chairman MURKOWSKI. You will be the last called upon.

Senator Simpson, please proceed.

OPENING STATEMENT OF SENATOR SIMPSON

Senator SIMPSON. Mr. Chairman, I appeared at one of these previously and I think I was a bit rambunctious and impatient and may have said some things which were harshly portrayed. I regret that. It came from my deep frustration of being chairman of this committee, watching you take over the reins beautifully, and trying to resolve the terribly vexatious thing where we seem to hold out these great hopes and yet we find nothing, and it continues. I have people in my State who are deeply committed, deeply sincere, anguished.

When does it end? And I guess I could have said it a little differently the last time than I did. But I want to tell you that I deeply appreciate what you are doing, Mr. Chairman, for holding this series of hearings on this terribly sensitive issue of live sightings of American prisoners in Southeast Asia and I have the deepest respect and admiration for you in taking the initiative in pursuing these reports. I appreciate, too, the congressmen, Bob McEwen and Mike Bilirakis, who accompanied you, and Senator DeConcini, and I have great admiration for him and know how he pursues things of interest to him with great good faith and spirit.

So here we are at the sixth of these open hearings. There have been two closed sessions to consider classified information, and Major Smith and Sergeant McIntire have previously testified in both open and closed sessions. I really am looking forward to their testimony today and viewing any evidence they may have to present to us. I think resolution of this issue is crucial. If there is competent evidence of the location and identity of Americans being held against their will, now is the time to present that evidence. In fact, I would suggest that now is well past the time to present that evidence. And that is my frustration.

You cannot just dangle it along and pretend you are doing a service to people who are in anguish. That is not even right nor human or humane. I am not going to dwell further on that point. That is how I got deep in it the last time.

It is my sincerest belief that we, every single one of us wish to facilitate the immediate and safe return of these prisoners, any of them, although we may differ on how to achieve that goal. So I am really looking forward to somebody, as we say up in the West in a poker game, put up or shut up, and that is what I am waiting for today. Because false hope is cruel enough, but false evidence is ever crueler.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, Senator Simpson.

In keeping with the policy established by the committee some time ago when we had two of our House Members that accompanied us to Southeast Asia, in both Vietnam and Laos, Representative McEwen, who will be joining us later, from Ohio and Representative Bilirakis from Florida, who is with us at this time, both had been a party to this entire hearing and sat as ex-officio participating members of the committee, and we will hear from them this morning, as well.

I would like to recognize Representative Jerry Solomon who is with us today, chairman of the House Task Force on POW's, who

will be participating as an oversight congressional member, and we welcome you to the hearing today.

I would next call on colleague Senator Rockefeller for an opening statement.

OPENING STATEMENT OF SENATOR ROCKEFELLER

Senator ROCKEFELLER. Mr. Chairman, I have a statement which I will insert in the record. This is the sixth committee meeting we have had on this subject. I have not been as actively involved as you have, Mr. Chairman, Senator DeConcini and Senator Simpson. I must say that this hearing deals with one of the more stunning episodes that I have seen in my 20 years of public service. I agree with everything that you, Senators Murkowski, DeConcini, and Simpson have said. I mean, the very thought of tantalizing people with hopes of their loved ones still alive, without coming forward with evidence to allow us to act to see if they can have any real hope is something that I have never encountered before.

If one adds that money may be a factor in our witnesses' refusing to provide evidence, then I am even more at a loss to know how to explain that kind of behavior. It seems to me that these gentlemen have an opportunity to help families and to help people. That is the American thing to do; it is what we in Congress try to do, and it seems to me that these gentlemen should be forthcoming and serve the public interest.

I thank the Chairman.

Chairman MURKOWSKI. Thank you, Senator Rockefeller.

[The prepared statement of Senator Rockefeller appears on p. 268.]

Chairman MURKOWSKI. I next call on my colleague, Senator Boschwitz who is a member of the committee, and a valued one, and I wish you a good day, my friend.

Please proceed.

OPENING STATEMENT OF SENATOR BOSCHWITZ

Senator BOSCHWITZ. After my comment, Mr. Chairman, about your trip, I thank you for the warmth of that introduction.

I just want to share the sentiments of Senator Rockefeller's remarks and also Senator Simpson's remarks. I was not here for Senator DeConcini's, but I must say there is a good deal of tantalizing going on and it seems cruel. People in my State have come to me and, very forcefully, as they should, as any proponent of a point of view should, requesting my help. So I join my colleague from Wyoming and—while we don't play poker in Minnesota, so we don't say things like "put up or shut up," but I must say I agree that it seems a very apropos statement for the moment.

Chairman MURKOWSKI. I won't ask you what you do with your idle time in your State. [Laughter.]

Senator BOSCHWITZ. Make duck decoys.

Chairman MURKOWSKI. Make duck decoys?

Senator BOSCHWITZ. That's right.

Chairman MURKOWSKI. I would next call on my colleague, Representative Bilirakis, for an opening statement. You will have to share that microphone, gentlemen.

OPENING STATEMENT OF REPRESENTATIVE BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, having attended the committee hearings we have had here, I may be opening statemented out, if you will. I certainly endorse the remarks of my colleagues and thank you for your persistence and perseverence in going forward with this matter. And I think it is just as important that, even though we were all very much disappointed at the last hearing when the two gentlemen in question did not appear, of paramount significance, obviously, is that we be open-minded and objective and lead them to feel that their comments will be accepted by us, consistent with our overall objective of getting to the truth of this situation.

My personal feeling—and I don't really have any idea what we are going to hear from Major Smith this morning, is that I would be willing not to cry over spilt milk if, in fact, he could give us some information consistent with his previous allegations.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you, Representative Bilirakis.

I have a statement by Representative Bob McEwen which will be entered into the record as if read.

[The prepared statement of Representative McEwen appears on p. 270.]

Senator BOSCHWITZ. Mr. Chairman, I would say that—I have to go back to an agriculture meeting which I left to come here. I would hope that we could get to the statements by Major Smith and Sergeant McIntire.

Chairman MURKOWSKI. Would you believe that that was the next order of business?

Senator BOSCHWITZ. Good.

Chairman MURKOWSKI. I would call our first witnesses this morning, both Sfc. Melvin McIntire and Maj. Mark A. Smith, U.S. Army, retired, both gentlemen retired.

You may approach the witness stand.

[Applause.]

Chairman MURKOWSKI. I appreciate the enthusiasm of the participants, but in order to function, I am going to have to ask that there be no displays of emotion and I would appreciate your acknowledgement of that, and if there are any who care to address the influence of the Chair on this, I will have to ask that you leave the room.

We will continue as we have in the case of the proceeding hearings and request that the witnesses rise and agree to give their testimony under oath.

Senator BOSCHWITZ. Mr. Chairman, I would request, who is the other witness?

Chairman MURKOWSKI. This is the gentlemen representing both——

Mr. WAPLE. My name is Mark Waple. I represent both of these gentlemen.

Chairman MURKOWSKI. He is an attorney.

Senator BOSCHWITZ. He is an attorney?

Chairman MURKOWSKI. Yes.

Gentlemen, would you raise your right hand?

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, and, if so, signify by stating "I do."

Major SMITH. I do.

Sergeant MCINTIRE . I do.

Chairman MURKOWSKI. Thank you. The witnesses may be seated. Gentlemen, you may proceed in any order that you wish.

STATEMENT OF MAJ. MARK SMITH, U.S. ARMY (RET.)

Major SMITH. Gentlemen, I am here this morning at your request after voluntarily accepting service of a subpoena in order to provide you with additional information which was requested by Mr. Principi, the chief counsel for this committee, in his correspondence dated March 26, 1986, to my attorney, Mr. Waple. Specifically, I have been asked to provide additional information concerning testimony which I provided in a closed session before this committee on January 30, 1986.

During the course of my closed-session testimony, I stated that photographs were available of Americans who may have been left in Vietnam in 1975. As I stated in my testimony in closed session, these photos contain a total of three Americans. However, I do want to make it perfectly clear that these photographs were provided to me by a source in Thailand and depict, according to this source, who I consider to be reliable, Americans who were left in Southeast Asia at the conclusion of the Vietnam war.

At the request of this committee, I am providing copies of these photographs which are attached hereto as exhibit A.

[Exhibits A–N are being retained in the committee files.]

Major SMITH. In 1981, I, in an official capacity, attempted to set up a meeting with one of the individuals depicted in exhibit A. The purpose of this meeting was to meet with this person to learn from him whether he had other information of other Americans in Laos, both in and out of captivity, and to learn from him whether he desired to return to the United States, as had been reported to me by numerous sources. Upon reporting this information to the representatives of the Defense Intelligence Agency in Seoul, Korea, and to Lt. Col. Paul Mather, then Commander of the Joint Casualty Resolution Center, Bangkok, Thailand, I was instructed not to approach these people and to leave them alone because there was no interest on the part of the U.S. Government.

After this, I contacted my point of contact with the Central Intelligence Agency at the U.S. Embassy in Seoul, Korea, to determine whether there was any interest in these individuals by that agency. The only interest this agency expressed in these individuals was their potential use as sources of information regarding military intelligence information and not as sources on the issue of American POW's and MIA's in Laos.

The committee has also requested information concerning locations of American prisoners of war in Southeast Asia. During the course of my testimony in closed session, I was asked by Senator Murkowski if I could provide this committee with documentation on the information with regards to specifics on locations. Please understand that locations that I am providing to this committee are locations which our sources identified as general locations

where American prisoners of war either were or had been held during the 1981 to 1984 time frame. I am providing this information to the committee at exhibits B through I. Between 1981 and 1984, on different occasions, each of these locations were reported to the Defense Intelligence Agency, representatives from Seoul, Korea, as being corroborated probable locations of camps or prisons where American prisoners of war were being held.

The reason I used the word "corroborated locations" is that none of these locations were reported unless at least two sources reported this information to us and there was no cross-fertilization between each source. As each of these locations were reported to the Defense Intelligence Agency, the instructions which I received from the Defense Intelligence Agency was seek additional information.

As indicated on exhibit G, location 19, we received numerous reports of American prisoners of war being held against their will in a country other than Vietnam, Laos or Cambodia. This was China. As indicated by the symbol on the map at exhibit G, all sources which we had contact with indicated the movement of these personnel back and forth across the border between Laos and China.

It is important to point out, concerning exhibit G, that this movement and this general location was further confirmed by one of our principal sources who I choose to identify as John Obassy. This was our motivation in requesting that he procure photographic evidence of the movement of these people from China into Laos to participate in mining and timber operations which were described to this committee in a closed session.

As to the ability of this source, Mr. Obassy, to provide this type of information concerning these movement locations outlined in exhibit G, we are providing this committee at exhibit J weapons permits issued by the Laotian Government to this individual. This establishes the background of this individual's access to Laos.

In an effort to continue to foster a trusting relationship with this very important source since my recent retirement, I have traveled to Southeast Asia twice with Sergeant First Class McIntire in 1985 and on both of these occasions met with this source and other sources. In 1986 I traveled twice to the Middle East to meet with this particular source in order to gain further information concerning the movement locations identified in exhibit G.

As you know, I have testified on previous occasions that on one of these occasions I was shown a 248-minute video film which I considered to be an extremely valuable piece of evidence, but only as it relates to the locations identified in exhibit G. As you know, I have previously provided information to this committee in closed session describing the contents of this film.

Mr. Obassy, as recently as April 1986, requested the assistance of my attorney and myself concerning a predicament which he found himself in in Singapore. In April of 1986 we traveled on two occasions to Southeast Asis, the first time with Congressman Bill Hendon. On this particular occasion, Congressman Hendon and Mr. Waple viewed a portion of this same film that I am referring to above. Shortly after this happened, Mr. Obassy was arrested in Singapore and Mr. Waple and I returned to Singapore to assist this source of information if at all possible. This trip was conducted in both a private and official capacity, as evidenced by exhibit K.

Eventually this source was released from jail in Singapore and agreed to travel to the United States to provide further evidence both to this committee and to Mr. Waple as part of the pending litigation in Federal Court in North Carolina. Unfortunately, this source became aware, by reading newspaper articles, of the fact that his character had been attacked and that sensitive information which he provided to me as a source, which I in turn provided to this committee in closed session, was somehow obtained by the news media. For these reasons, Mr. Obassy chose not to appear before the last regularly-scheduled session of this committee. However, we are optimistic that we can try to maintain contact with this source in the future.

Additional information is provided to this committee at exhibits L and M. The significance of exhibit L is very simple. There have been those in the government who have contended that our activities with the Special Forces Detachment, Korea, did not involve the collection of intelligence information on American POW's and MIA's and that we were not authorized to train the Thai Special Operations Forces and indigenous forces for prisoner of war rescue operations.

At exhibit L, page 1, paragraph 2, you will see references to a Southeast Asia Special Operations Exercise which was conducted in January of 1984 at Lopburi, Thailand. This unclassified document is a communication from the representative of the U.S. Commander-in-Chief, Pacific, to his superiors. Please note that the activities which were accomplished on this exercise by Special Forces Detachment, Korea, and Thai Special Operations Forces included training related to air-to-land assaults to rescue prisoners of war. This is the type of training which was to culminate in a possible prisoner of war rescue in May through July time frame of 1984.

I have previously testified concerning our experiences relating to the receipt of two or three American prisoners of war during the time frame in my earlier testimony before this committee.

The significance of exhibit M is that this document is further substantiation of our position that Special Forces Detachment, Korea, was involved in issues relating to intelligence gathering and other matters which related to POW's and MIA's. Exhibit M, simply put, is entitled "a doctrinal point of contact program" established by General Leuer's deputy. Please recall that General Leuer was the J3/G3, Operations, for the U.S. Forces in Korea and the U.S. Army in Korea.

At page 3 of exhibit M you will see that our organization, the U.S. Army Special Forces Detachment, Korea, was assigned a doctrinal area for Special Operations Forces as well as terrorism counteraction.

At exhibit N is an unclassified standard operating procedure dated March 15, 1982 from headquarters, U.S. Combined Forces Command, Seoul, Korea. Contained within exhibit N are the missions of our organization during this period of time, as well as the job descriptions of each member assigned to the Special Forces Detachment, Korea. Please note that the mission of Special Forces Detachment, Korea, among other things, included direct action force operations, which means, in nonmilitary terms, taking direct military action with or without the participation of allies in any

specific country in our area of operations. Our area of operations included all of Southeast Asia.

It is also important to note that gathering of intelligence reports is included within the job description of members of my command with Special Forces Detachment, Korea. Therefore, any suggestions by Government representatives that our mission did not include intelligence-gathering is absolutely absurd.

As the cover letter to exhibit N states, the Chief of Special Operations Division for the U.S. Forces, Korea, and Combined Forces Command states that he has coordinated this guidance with the Deputy Chief of Staff for Operations for the Combined Forces Command and U.S. Forces, Korea. It should be noted that this position was occupied by both Maj. Gen. William Moore and later by Maj. Gen. K.C. Leuer.

In closing, we would like to reiterate our concern for the unfortunate disclosure of information of our testimony in closed session. This has made it far more difficult for us to remain in contact with those sources who have previously had trust and confidence in both myself and Sergeant First Class McIntire. We respectfully ask that any information which has been provided to this committee in closed session remain secure.

We are ready to answer your questions, Senator.

Chairman MURKOWSKI. Sergeant McIntire, do you have a statement?

Sergeant MCINTIRE. No, I do not.

Chairman MURKOWSKI. I wonder if you would enlighten the committee with regard to the last statement that you made with regard to specific information that was disclosed by the committee in closed testimony. Would you care to be specific on that information?

Major SMITH. Well, Senator, I don't know if it was by the committee. I don't know who you had in the room that day while we were testifying. There were a number of people. I didn't select the people to be in that room.

But I know that this sergeant and I did not disclose the specific contents of that videotape to anybody but this committee.

Chairman MURKOWSKI. Well, I am curious to know specifically——

Major SMITH. And we certainly did not disclose the identity of the individual who provided that to anyone other than this committee.

Chairman MURKOWSKI. Were you aware of the April 28 article that appeared in the magazine Insight?

Major SMITH. No, but I——

Chairman MURKOWSKI. Do you have knowledge of it now?

Major SMITH. Yes, I do. And I will tell you what, Senator, I think, be it us or anyone else who gave that information to this magazine, I believe that there should be an investigation of the leak of that information.

Chairman MURKOWSKI. Well, the hearing date was May 1 and the magazine date was April 28. I have no knowledge of the source of where the magazine got its information, but I think it is fair to say that the information could not have come from the committee because you didn't provide it to the committee until May 1. So to

suggest that somehow it was released by the committee, I guess I need a little further explanation.

Major SMITH. Excuse me, Senator, I believe the information that was released was the information that I provided this committee in closed session, my description of that videotape as I had described it in a letter to the President of the United States.

I think something has been lost, also, along the way——

Chairman MURKOWSKI. Well, maybe I can make reference to a statement of December 26, 1985, by John Obassy, and it is an affidavit from Mr. Obassy. It goes, "In Cumberland County, NC, Now comes Mr. John Obassy and hereby swears and affirms, My fictitious name is John Obassy, I reside in Southeast Asia," and so forth and so on.

If you will bear with me for a moment.

Major SMITH. I don't think you are going to find his name, Senator. He signs it as John Obassy.

Chairman MURKOWSKI. I assume that is Gregson.

Major SMITH. The position we take is his name is John Obassy. The gentleman over your left shoulder may have some different information.

[Pause.]

Chairman MURKOWSKI. Let me just read a portion of this because I think it is germane to the consideration that we have on this issue. And again I refer, "Now comes Mr. John Obassy.

"I know that these Americans were foreign prisoners of war because during the period 1978 members of the American intelligence community confronted me with photographic evidence of my presence together with these Americans in Laos." I guess—is that the same photographic evidence or is it additional?

Major SMITH. No, sir; that is with—what he is describing there is some of these people who are living—quoted as living there that no one had any interest in. If you look at exhibit A, I think you will see one boy at the bottom of the page that looks like Rambo or something.

Chairman MURKOWSKI. "I also was led and shown by the three Lao sights or camps which had male Caucasian and Asian prisoners, some which were in chains," and there was conversation about the videotape and chains.

Major SMITH. The locations and numbers of those people, and especially specific numbers, in open session before this Senate I purposely did not reveal a specific number of people. And the only place that that specific number of people has been revealed was in a closed session before this Senate.

Chairman MURKOWSKI. Well, I beg to differ with you. The next sentence says, "I estimate that approximately 90 of the prisoners were Caucasians and that 40 to 50 of this number were North Americans."

Major SMITH. I understand that, Senator, but a specific number has been leaked to the press and has been quoted numerous times in the press, and it has never said 40 or 50——

Chairman MURKOWSKI. What number was——

Major SMITH [continuing]. Or 30. I don't——

Chairman MURKOWSKI. What number was leaked, to your knowledge? Do you have any idea?

Major SMITH. Yes, sir. The exact number, if you will look in the testimony before this closed session, you will see I gave a specific number of prisoners of war in that film.

Chairman MURKOWSKI. Where was this published and printed?

Major SMITH. I would imagine if you look in that Insight magazine, you may see the number, I don't know. It has been in numerous newspapers around the country.

Chairman MURKOWSKI. Well, I think we generally agreed that the Insight magazine came out before our hearing.

Major SMITH. It was published and printed in and AP Wire Service story just prior to the last regularly-scheduled session, and seen by Mr. Obassy——

Chairman MURKOWSKI. Well, it could not have come, then, could not have come from the May hearing, which you refer, if it appeared in the April 28——

Major SMITH. We are not talking about the May hearing, Senator. I gave this information at the beginning of the year. I traveled around the world to give it, and the only place that I have given that specific number of people was in a closed session in front of this Senate Committee.

Chairman MURKOWSKI. Well, we would be happy if your attorney would care to provide the Committee with specific reference to information that allegedly has been leaked by this Committee or made public that came out of the closed sessions that was not already a matter of public record. So rather than continue on this point——

Major SMITH. I am not saying it was from the Committee, Senator. I don't know who all the people——

Chairman MURKOWSKI. If you would just——

Major SMITH [continuing]. In that room were——

Chairman MURKOWSKI [continuing]. Provide it for us, because I think it——

Major SMITH [continuing]. When we provided that testimony.

Chairman MURKOWSKI [continuing]. It specifies specifically a concern that you have made and, as a consequence of that, it is up to us collectively to try and work together to address the issue.

Before I continue my questions, I want to recognize Representative McEwen who has joined us.

Do you—I have taken your statement and entered it into the record.

Mr. MCEWEN. I thank you, Mr. Chairman, very much. Once again, my gratitude for being able to participate in this important hearing and I thank you for holding it today.

Chairman MURKOWSKI. Thank you very much.

I would like to go through the exhibits and I wonder if you would care to enlighten us a little on the specific significance of exhibit A, and we will walk right through the exhibits and try and make a determination of just who these people are, what—where they are and the dates roughly of the evidence that you have.

Now, the first one you have three gentlemen over standing beside a body of water.

Major SMITH. Yes, sir.

Chairman MURKOWSKI. Who are they, do you know?

Major SMITH. Sir, one of the—first of all, understand that we have the original photos of these——

Chairman MURKOWSKI. I am sure you do.

Major SMITH [continuing]. And they are purposefully made in this fashion simply because they are also released to a number of other people besides the committee.

These people—one of the gentlemen in the top photograph is an individual who has been described as someone who lives in Laos, conducts business there——

Chairman MURKOWSKI. Which one is that?

Major SMITH. On the left, sir.

Chairman MURKOWSKI. The fellow on the left.

Major SMITH. Yes. sir.

Chairman MURKOWSKI. Is that Obassy, Gregson?

Major SMITH. No, sir; it is not.

Chairman MURKOWSKI. Can you provide us with the name of the individual?

Major SMITH. No, sir.

Chairman MURKOWSKI. Is there a reason that you don't care to provide the name of the individual?

Major SMITH. Of this specific individual?

Chairman MURKOWSKI. Yes.

Major SMITH. No, sir.

Chairman MURKOWSKI. That means—I'm sorry, I——

Major SMITH. I cannot.

Chairman MURKOWSKI. Is there a reason that you cannot?

Major SMITH. I don't know his name, sir.

Chairman MURKOWSKI. Well, how do you know they are a POW or how do you know it is significant to the matter that is before us?

Major SMITH. I merely am showing things that were turned in to the Defense Intelligence Agency described as individuals who had been left in Laos, in Southeast Asia, and who are not on anyone's list of prisoners of war or missing in action.

Chairman MURKOWSKI. Well, how could we possibly identify them if you don't know who they are?

Major SMITH. Sir, we have the original photos. I would imagine that this government, had it chose to in 1981, could have taken the original photos and had very little problem identifying them.

Chairman MURKOWSKI. Well, where did you obtain this photo?

Major SMITH. Sir, I obtained these photos from a source in Southeast Asia?

Chairman MURKOWSKI. Would you give us the name of the source?

Major SMITH. Sir, I don't think I am going to give this committee any more names of sources.

Chairman MURKOWSKI. Well, don't you feel that the obligation of you as a citizen, as well as the rest of us, is to try and reflect on any of these people that still may be held——

Major SMITH. Absolutely, sir.

Chairman MURKOWSKI [continuing]. And if this information is not forthcoming, how can we possibly proceed?

Major SMITH. I agree with you 100 percent, sir. But the problem that I have is that my—this Mr Obassy was here in this country, in Washington, DC, prepared to testify before this committee. And,

quite frankly, we kept newspaper articles from this man. His name appeared in a Bangkok Post in—or overseas newspapers. We kept these articles from him, finally got the man into this country, and two days before the committee hearing, he learned that his name had in fact been exposed. And if I may just point out——

Chairman MURKOWSKI. Well, I think we have been through that, Major Smith, in the article that appeared in the Insight on April 28 and——

Major SMITH. Sir, we are talking about the June 20—whatever the date of this hearing was in June we brought the man here. He couldn't have seen the article on——

Chairman MURKOWSKI. Further, the gentleman was not scheduled to testify. We would have welcomed his testimony.

Major SMITH. Yes, sir.

Chairman MURKOWSKI. You are aware that there is a subpoena currently for Gregson/Obassy, so we would hope that at some point in time that subpoena will be served. And if he doesn't care to come in, why, we would hope that he would voluntarily come in.

Senator DECONCINI. Mr. Chairman, would you yield on that point?

Chairman MURKOWSKI. I would be happy to yield.

Senator DECONCINI. I would like to try to lay this to rest, as to Mr. Obassy.

Is it your testimony, Major Smith, that because of the exposure coming from this committee identifying Mr. Obassy, that that is the reason you don't have the videotape and that he has failed to come and testify before us? Is that your testimony here today?

Major SMITH. That is pretty much correct, sir. Anyone——

Senator DECONCINI. Just yes or no.

Major SMITH. Yes, sir.

Senator DECONCINI. That is what you believe——

Major SMITH. That is my testimony.

Senator DECONCINI [continuing]. And that is the reason that Mr. Obassy has not come forward with the videotape and has not agreed to testify here.

Major SMITH. Absolutely, sir.

Senator DECONCINI. Now, let me just pursue this—notwithstanding that Mr. Obassy's identity was already public knowledge prior to its disclosure by this committee at a public hearing. Is it your opinion that he did not know that there had been printed material about him before it was revealed here at this Committee?

Major SMITH. Well, he was in jail for 51 days.

Senator DECONCINI. Your answer is that is your belief.

Major SMITH. That is my belief, yes, sir.

Senator DECONCINI. I thank you, Mr. Chairman. I just wanted to be clear on——

Chairman MURKOWSKI. Thank you.

Senator DECONCINI. It seems clear to me that it was public knowledge before, and only Mr. Obassy can tell us whether that is what made him shy off or not. And Mr. Smith thinks that is what did it.

Major SMITH. Sir, if I may point out one thing. We—first of all, this videotape was on a Powell system. Down in the woods of North Carolina, we don't have that system. We rented that system at

$200 a day, had to buy a seat for it on an airplane and flew it up here, and if anybody thinks we did that for grins, we don't have that kind of money. We came here to show a videotape. Mr. Obassy was coming here to show a videotape. Now, that is pretty hard to deny. I believe your staffer, Mr. Moore, went to the airport and this gentleman standing behind you can tell you that my seat on that airplane was taken up by a television set that was brought here to show this committee that videotape.

Senator DECONCINI. Well, then, just to follow, Mr. Chairman——

Chairman MURKOWSKI. Please proceed.

Senator DECONCINI [continuing]. Major Smith, you are saying the reason all that did not come about is because of the public exposure by this committee as to the identity of Mr. Obassy. Is that what you are telling us?

Major SMITH. That is what Mr. Obassy tells us.

Senator DECONCINI. That is what Mr. Obassy told you.

Major SMITH. Yes, sir. In Washington, DC, the day before the hearings of this committee, after we had picked him up—in New York the day before.

Mr. BILIRAKIS. Would the gentleman yield?

Chairman MURKOWSKI. Mr. Bilirakis.

Mr. BILIRAKIS. Are we referring to the hearing scheduled in late June?

Major SMITH. Yes, sir, we are.

Mr. BILIRAKIS. All right. Now, this information that you say was leaked out by this committee, that took place some time quite a while before that, did it not?

Major SMITH. Yes, sir.

Mr. BILIRAKIS. And you are saying Mr. Obassy was not aware of that until he arrived in Washington, DC, on that particular day?

Major SMITH. Yes, sir.

Mr. BILIRAKIS. How did he find out about it? I mean, who told him at that point in time?

Major SMITH. There was an AP story that appeared just a few days before that hearing detailing the contents of that videotape.

Mr. BILIRAKIS. Well, but the point is that you say that he was physically in Washington, DC, with the tape planning to meet with us——

Major SMITH. Arrived the night before.

Mr. BILIRAKIS. But he had already found out about it previously.

Major SMITH. Yes, sir; he had.

Mr. BILIRAKIS. Well, what changed his mind on that particular day?

Major SMITH. When he got off the—he called us from New York when he arrived and informed us that he knew that his identity had been leaked. He came to Washington, anyway, met in a hotel here with Congressman Hendon, myself, Sergeant McIntire and the attorney.

Our position was that—my position and I am sure Sergeant McIntire's position—was to attempt to encourage the man, regardless of whether or not his identity had been revealed, to come before this committee in a closed hearing, and if there had been problems about his identity, then we felt that certain pressures

could be brought to bear, to include finding out which one of these little people running around here had leaked his name.

People can get that done. That is why we have polygraphs and things like that which the government uses as freely as they desire to find out information, and he chose not to appear.

Mr. BILIRAKIS. Well, Major, did you impress upon him—I mean, this man, is he an American?

Major SMITH. No, sir; he is not.

Mr. BILIRAKIS. All right.

Major SMITH. And that is one of the problems, when you have someone who is of another nationality. I mean, a number of other things that have not been leaked from this committee about this particular gentleman. Rumors come out from, shall we say, competing POW groups or whatever, people whose goal it is to rescue people, have put out a certain amount of information supposedly coming out of the Central Intelligence Agency or out of DIA; then we have this, quote, unnamed lieutenant colonel out of the Pentagon who also is quoted in the newspapers as having released the man's name.

Mr. BILIRAKIS. Well, I am taking the chairman's time. You had made the comment that you would not give us the source of this photograph. Would you do so in a closed hearing? The source. Now, I think you said you know the source, but you refuse to give it to us.

Major SMITH. Sir, I am—at this point in time, unless I have the concurrence of a specific source, I am not going to provide any more sources.

Chairman MURKOWSKI. I think that pretty well indicates the general attitude of the witness with regard to source information, and that is indeed unfortunate and I would hope that the witness would choose to reconsider that.

What I would attempt to do at some point in time is to try and coordinate the significance of the evidence that is allegedly before us on the various exhibits, and that is going to take some time.

Major SMITH. Sir, I don't mean to——

Chairman MURKOWSKI. And I'm going to probably have to ask the Defense Intelligence Agency if they have had an opportunity to analyze these three pictures since that was suggested in general terms by Major Smith.

But before I attempt to get into this, I would like to find out specifically whether you gentlemen are willing to come before this committee and spend the necessary time to have you explain in detail the significance of the exhibits as it makes reference to your claim that this indeed is substantive information that will resolve, at least to some extent, the question of those missing in action and shed light on the eventual action that this government should initiate to address this situation. And I understand that you are willing to appear——

Major SMITH. Sir, if I might, I could explain these exhibits to you.

Chairman MURKOWSKI. Well, I would just like to know—I would like to know if you are willing to——

Major SMITH. Yes, sir.

Chairman MURKOWSKI [continuing]. Appear, you and Sergeant McIntire and your counsel, because it is obvious to me that we will probably have to address this in detail at another hearing. But rather than take up too much more time, I would call on my——

Senator DECONCINI. Mr. Chairman, would you just yield on that particular point——

Chairman MURKOWSKI [continuing]. Colleagues.

Senator DECONCINI [continuing]. Incident——

Chairman MURKOWSKI. Yes.

Senator DECONCINI [continuing]. Of the photos? I presume that under the subpoena, the original photos are included. Will you bring those forward so they can be identified by proper sources, because it doesn't mean anything to me and it may not mean anything to an intelligence analyst if they can't clearly see the individuals.

Major SMITH. Yes, sir. I would like to point out that the Defense Intelligence Agency has had these particular photos——

Senator DECONCINI. They have those now?

Major SMITH [continuing]. And others similar to them since 1981 when they were given to them.

Senator DECONCINI. Well, I wonder, Mr. Chairman, if you would yield further. If you would bring them forward so that DIA can confirm that they have had them since 1981, and if they don't have them, at least they will have a chance to look at them.

Major SMITH. May I express some concern at this point about that, if I can? And there is this thing about not coming forward before this committee with all your information and this, that and the other. And I understand and I am not accusing anybody in this committee of anything, except there is a problem here. You have had people appear before this committee and claim they didn't tell anybody to spread anything, nothing ended up spreaded. And I start to question in my mind, when we are going to take something and check with the Defense Intelligence Agency as to whether or not they have it——

Chairman MURKOWSKI. Well, Major Smith, I think, you know, we are taking an awful lot of time here, but the reference to the fact that we have a picture and you can identify it, you won't give us the source of information. Obviously, we have no other choice but to attempt to make an identification with the appropriate agency.

Major SMITH. I understand.

Chairman MURKOWSKI. Now, if you want to cooperate with this committee, give us the information that you have, indicate how significant it is, why, then, we are getting somewhere. But I see at this time that we have taken one picture and found that you are not willing to identify the source, you are not willing to identify who it is or you don't know, and I just don't see any point in taking up your time or the committee's time with this type of material that is——

Major SMITH. Senator, I am prepared to——

Chairman MURKOWSKI [continuing]. Obviously of——

Major SMITH. I am prepared right now to——

Chairman MURKOWSKI [continuing]. Little influence for us or little influence to anybody, and unless you are willing to give that information, why, we are both wasting our time.

I am going to call on——

Major SMITH. I am prepared to——

Chairman MURKOWSKI [continuing]. Senator Denton at this time for any statement that he may care to give. Senator Denton is a valued member of the committee and a former POW.

Senator DECONCINI. Mr. Chairman, Mr. Chairman, wait a minute. Mr. Chairman, point of interest here. I think Major Smith is entitled to respond to the chairman's remarks about noncooperation.

It seems to me he just told us that he will supply the original photographs. Now, he has not gone so far to come forward, as you have suggested, and I suggest, and identify the source. But he doesn't have to do that if he doesn't want to. If he comes forward with the original photographs, which are under the subpoena, and I think he has to by law, I think that is a major step, if they are of any value. So I think the Major ought to be able to answer.

Major SMITH. As I was attempting to say, I am prepared to sit here and explain and discuss with you the significance of what you have been provided.

Chairman MURKOWSKI. You have already acknowledged that.

Senator Denton.

OPENING STATEMENT OF SENATOR DENTON

Senator DENTON. Well, Mr. Chairman, I just want to express my intense interest in this subject, which is manifest not just through attendance on this Committee but also through several other lines of inquiry, and also express my admiration for you, Senator DeConcini, your staff, Senator Simpson and the gentlemen from the House who have come over to pursue this.

I am a little bewildered as to what we have learned new here today, but I am as diligent about wanting to pursue the matter as you are. Our objective is the accountability of people in Vietnam. It appears that these folks here, in the pictures, they don't appear to be people held in restraint, and I don't see anything that I have read in all these papers available for this hearing that indicate any tangible evidence that ex-POW's or MIA's or folks who served in our military are the subject of any evidence that you have presented up to here. Is that correct or not?

Major SMITH. That is incorrect, sir. I think that the significance of these three photos is, in 1981, Senator Denton, I approached the Defense Intelligence Agency and the Central Intelligence Agency stating that the people in these photos had been left in Southeast Asia. If I could call your attention to the gentleman in the photo on the bottom.

Senator DENTON. The photo on the what?

Major SMITH. The one on the bottom, sir.

Senator DENTON. All right, sir.

Major SMITH. That particular gentleman is the individual that I attempted to set up a meeting with, and it was the contention of foreign sources that this particular gentleman did not desire to come out of Laos at that time because he had been serving in 1975 in South Vietnam as a member of a special operations unit and had been overlooked in the evacuation of Vietnam; not because he

deserted or anything, but he had been overlooked. Had finally been able to make it with his mountain yard troops that he was operating with to the border of Laos and Thailand, crossed over into NKP Thailand with another individual, both of them having been wounded in 1979, between 1979 and 1980 time frame, and that the other individual with him, they were brought by mountain yards in Laos to the hospital in NKP where one of the—where the other individual was killed in the hospital at NKP and this particular general fled back—or this particular gentleman fled back into Laos.

I think that this was such an absurd story when I first heard it that I wanted to meet this particular gentleman and inform him that if what I had been told about his background was true, that my special forces detachment would bring him out of Thailand if he would come across and return him to U.S. control and guarantee his protection. And that was a contact——

Senator DENTON. OK. Excuse me, Major Smith, I don't mean to interrupt, but——

Major SMITH. Yes, sir.

Senator DENTON [continuing]. It seems to me the term "had been left" or "had been overlooked" is a begging of the question unless you can produce evidence that satisfies us or even yourself that the reports you are hearing, these rather vague stories which you say you considered incredible at first, are true. He wasn't left or overlooked until we know that he was left or overlooked. To cast that allegation is a begging of the question unless we have more tangible information to indicate its veracity.

Major SMITH. The other reason that this particular individual was valuable to me was that he was a potential source of information, a United States person inside Laos in a specific area of the North Vietnam-Laos border area that we had reported to DIA was an area where nine U.S. prisoners of war were being held by the North Vietnamese.

Senator DENTON. Well, these pictures, and the story about each one of these gentlemen as you have given it up to now, in my humble knowledge, and therefore opinion, don't seem to surely have anything to do with POW's. Perhaps they could, but I don't see any establishment of that as a fact.

Major SMITH. I think the significant thing and the reason that this was provided to you is not the fact whether or not these people were prisoners of war, but that the Defense Intelligence Agency and the Central Intelligence Agency directed that there was no interest in these people——

Senator DENTON. But, Major, aren't——

Major SMITH [continuing]. Either in bringing them out or as potential sources of information in an area that the U.S. Government claims to have no human intelligence.

Senator DENTON. I am not convinced, that anybody or any agency is perfect. Certainly I know I am not. But, Major, aren't they generally trying to sort out from a mixture reliable, unreliable, and confusing information that which information would be helpful to assist in the accountability, the accounting for MIAs and POW's. If they think in all conscientiousness that they haven't done that, why should they throw information out there if it doesn't have anything to do with the question? If it is a drug dealer

and a set of stories that they can't put any certitude or even probability of belief in, any credence in, why should they spend time on it?

Major SMITH. I would assume——

Senator DENTON. I couldn't——

Major SMITH [continuing]. Be it the DEA or DIA or CIA, if this guy was a drug dealer, or whatever, all we did was offer to bring him out—hell, bring him out and arrest him if he is a drug dealer, but leave him there and say you are not interested in him? There is no excuse for this government to be uninterested in any American in uniform, out of uniform, name on one list or the other list, if he is sitting in a denied area and wants to come home and says that he was left there.

Chairman MURKOWSKI. I think, in fairness to each member, we are going to have to try and limit questions to about five minutes.

I am going to call on Senator DeConcini first, but before I do, I think what the committee expects to hear today is basically the sworn testimony that you made that you had evidence of American prisoners of war. Now, the Defense Intelligence Agency has not subpoenaed you, and if you have any evidence or any knowledge or any reference, why, that is really what we want to hear. This material that you have provided us may be very significant and we do want to——

Major SMITH. Sir, I am providing you exactly——

Chairman MURKOWSKI [continuing]. Go through this material——

Major SMITH [continuing]. What you asked for.

Chairman MURKOWSKI [continuing]. And try and get some reference to specifically why we are here, and it is the issue of MIA/POW's.

Senator DeConcini.

Major SMITH. Sir, I believe that we have a misunderstanding. I think that is what is causing us to—the tempers to flare and—what has happened here is I took what Mr. Principi sent to us, and the question—and I attempted to provide that information that was requested. What was requested, from my testimony in closed session, I said, "Sir, I did bring back photos of some of the Americans that are described." There seemed to be a big bone of contention at that particular time not about prisoners of war, but about this group of Americans who our agents say were left in Vietnam in 1975. Not because there was a great plan by the CIA to leave agents behind in Vietnam; they were just overlooked or didn't get out and I brought back photographs of those particular individuals.

Chairman MURKOWSKI. Where are those photographs?

Major SMITH. We have those photographs in North Carolina, sir.

Chairman MURKOWSKI. Would you make copies of those photographs available to this Committee?

Major SMITH. I don't see any reason why not, sir.

These are the photographs you asked for, sir.

Senator DECONCINI. Major Smith, are you are going to provide the original photographs now of these three that you have here. Can that be done some time this afternoon with someone from my staff and the chairman's staff so we can sit down with the Defense Intelligence Agency? I would like to know from them whether or

not they do have these photos or ever had them. If they don't, I would like them to have that information because it may be new and significant.

Major SMITH. The day after tomorrow?

Senator DECONCINI. Day after tomorrow? That would be fine with me.

Major SMITH. Because we want to make photographs of the photographs.

Senator DECONCINI. OK. Because to me you do have something significant here, as far as I am concerned. I have never seen these things. If these are people who were left behind, and I have every reason to believe that you are implying that that is the case, I want DIA to explain whether or not they have them and who they are, or maybe they can conclude that they have already looked at them and they are non-significant. That is what I want to know.

Major SMITH. Perhaps I also, in a spirit of harmony, perhaps I also misunderstood what Mr. Principi sent to us, because I merely went through—he said he wanted those particular photos, he wanted a list of locations, specific locations. You find a map there with locations on it. I merely provided what I was asked to provide.

Senator DECONCINI. I have no quarrel with what you provided. What I would like to do is find out whether DIA has this information and what significance they give to it. And, of course, you are the only source of it. So if you could make arrangements for the day after tomorrow, my staff will be available, and obviously the chairman's staff, and we can get someone from DIA to look at it, because it may be something new. Or if they do have it, I would sure like to know what they did with it and what they think about it. OK?

Major SMITH. Yes, sir.

Senator DECONCINI. Thank you. Now, let me ask you this, Major Smith: In your January 28 testimony, you stated that your Special Forces Division had a mission to collect intelligence on POW/MIAs.

Major SMITH. Yes, sir.

Senator DECONCINI. Major General Leuer, in subsequent testimony, denied that the Special Forces had any such mission and provided documents that supported his statement. Major General Moore also said that the Special Forces in Korea had no such mission. There were those who alleged that, because of your particular interest and personal experience as a POW, you created the mission and encouraged your subordinates to help you develop these intelligence leads.

Now, although I personally understand your motives to obtain information on POW's—and I laud you for that—can you provide the committee with any official documents that your intelligence-gathering mission included POW information? Because someone is not telling us the truth or has forgotten.

Major SMITH. I believe that what has been released—if you go back from the beginning of the filing of this lawsuit and look at the official statements made by Department of Defense and by certain individuals in the White House, you will find that they said we had no intelligence-gathering mission, period. It started out with that.

I think its significance—and I want to point out the significance of the exhibit L. This is not my message. This is a message from CINCPAC's own man who ran this particular exercise in Southeast Asia.

If we did not have the mission to gather information on live American prisoners of war, if we weren't working up to a rescue with indiginent forces of live American prisoners of war, we were certainly wasting one hell of a lot of time and money on day and nights, air-land, by parachute and by aircraft, assaults to rescue prisoners of war.

I just do not understand how anyone, if you look at the missions that this organization of ours had—the Government has also stated on numerous occasions that we did not have a mission in the area of counterterrorism, that we were not a direct action force. We were only people who went around training people and advising. This isn't my document. This is the command—this is a four-star general's document.

Senator DECONCINI. Is that exhibit L you are holding up there?

Major SMITH. This is exhibit N.

Senator DECONCINI. N, excuse me.

Major SMITH. Which is from the Headquarters of Combined Forces Command. The man that signed this document is John Manolakis, lieutenant colonel, U.S. Army, Chief Special Operations Division, J3, Special Warfare Branch. Now, when he signs something like this——

Senator DECONCINI. Where does it say that this is a POW/MIA-gathering intelligence? Can you just point that out? Because, quite frankly, I did not see these exhibits.

Major SMITH. Yes, sir. The question was on intelligence reports.

Senator DECONCINI. Yes, sir.

Major SMITH. You will see that they say we had no intelligence mission. You will look under the engineer sergeant, the commo sergeant and a parachute rigger, even, had intelligence reports required.

It is the second page, sir.

Senator DECONCINI. OK. Your explanation. then, is that intelligence reports gave you the mission and the personnel attached to this——

Major SMITH. Most assuredly, and I believe if you will look at——

Senator DECONCINI. Let me just finish—to proceed with MIA and POW information.

Major SMITH. That, and the fact that a memorandum of agreement——

Senator DECONCINI. I am not questioning your interpretation. I just want to be sure that I understand, because I think maybe you are right——

Major SMITH. Yes, sir.

Senator DECONCINI [continuing]. I really do.

Now, in January you stated, quote, after being debriefed in August of 1981, you operated under general instructions from DIA to seek additional information about POW/MIA. Is this that intelligence report that you are talking about?

Major SMITH. Yes, sir.

Senator DECONCINI. OK.

Major SMITH. Also, if you will recall, sir, I believe there was testimony that the Special Forces Detachment, Korea, had no operational—the insinuation has been made from briefings that have been given to the National League of Families that the Special Forces Detachment, Korea, had no operational mission. In other words, we are not shooters, merely trainers.

Senator DECONCINI. Yes. In your January statement you said that Major General Leuer intimated that there would be less of a chance for you to be promoted to lieutenant colonel if you did not drop the POW/MIA issue.

Now, it is kind of hard for us to know. He denies that. How do you substantiate that?

Major SMITH. At this particular point in time I have a hard time substantiating that. The only thing I would point out is that we have returned prisoners of war who have a hard time walking down the street and chewing bubble gum at the same time, and I don't think—I would imagine that the majority of returned prisoners of war have a certain amount of understanding of the things that they had endured, the period of time that they were gone from the military and this, that and the other.

I don't think the question is whether or not Mark Smith could make lieutenant colonel in the Army.

Senator DECONCINI. No, I don't either. My point here is trying to——

Chairman MURKOWSKI. Senator, your time is up, but go ahead and finish your question.

Senator DECONCINI. OK. Mr. Chairman, as far as time is concerned, I don't want to infringe on Senator Simpson's time, but I have a lot of questions here.

Chairman MURKOWSKI. Well, so do, I am sure, we all, but what we are attempting to do is to try and give everybody——

Senator DECONCINI. I will be glad to yield to Senator Simpson and I will come back and continue.

Chairman MURKOWSKI. Well, I would call on Senator Simpson and then I am going to take a turn.

Senator DECONCINI. OK.

Chairman MURKOWSKI. And we will go around again.

Senator Simpson.

Senator SIMPSON. Thank you.

Major SMITH. If I might answer one more thing, sir.

Senator SIMPSON. Not on my time, but go ahead.

Major SMITH. I hate to take up your time, but I think——

Senator SIMPSON. No, this is not my time. Go ahead.

Major SMITH [continuing]. That I have given you some misinformation.

Chairman MURKOWSKI. Please proceed, Major.

Major SMITH. Where it says here "intelligence reports." Now, those intelligence—where we say—those are normal, regular intelligence reports, normal debriefings. This is not what we are pointing at where we say someone told us to seek additional information on prisoners of war. This took place during formal debriefings with Defense Intelligence Agency personnel and I gave you the names of those people in the closed session. I haven't seen them up here yet.

Senator SIMPSON. Mr. Chairman——

Chairman MURKOWSKI. Senator Simpson.

Senator SIMPSON. In a quick 5-minute's worth, let me kind of try to recap for myself the issue of the fact that the identity of this person was apparently expressed on April 28, several days later it may have come up in this committee. Then we had the committee hearing on June 25. I believe counsel for Major Smith called about 10 minutes before that hearing, or within a very limited time, to say that Major Smith was not going to testify. Obassy/Gregson had never been called to testify on June 25.

So that is just kind of a quick review of things, and then I go through the evidence. I guess that is what that is called, but I practiced law for 18 years and I have never seen such lightweight stuff in my life. And so we have pictures. One of them looks like three guys, three GIs, where somebody took a picture of them on a lake. You don't know where it is. One in a stateroom and a guy with a rifle, smiling yet. Those do not look like what the American people think we are up to in this issue. The issue is, who is behind bars in Southeast Asia and a prisoner of war or an MIA, that is what the issue is. Let's get the wax out of our ears and quit dinking around with the issue. The issue is, do you have tangible evidence of U.S. citizens who are incarcerated or held against their will in Southeast Asia known as POWs and MIAs who the people of America talk about and think about, and I don't know what you are up to. But I can tell you, it is not savory, in my mind, at all.

Now—OK. You don't know any of these people. You can't tell us who took the pictures. You can't tell us anything maybe more than that they were overlooked. There have been a lot of people overlooked in Southeast Asia; a lot of people have chosen to stay. There are businessmen over there who are there, there are other people who are there, there are those who are imprisoned for various reasons.

I think there is a problem before the committee, and I think it is you.

And then you show us exhibit N, which is—anybody that has ever been in the Army knows that an Army unit gathers intelligence. How nuts. How stupid. Present us with something that shows an intelligence-gathering capacity.

Major SMITH. I tell you something, Senator, I object to your statements——

Senator SIMPSON. Just a second. I get 5 minutes and then you get——

Major SMITH [continuing]. This personal attack. And I tell you what, you have a lot of lightweight people——

Chairman MURKOWSKI. The witness will——

Major SMITH [continuing]. Attacking me personally, and I tell you what——

Chairman MURKOWSKI. The witness will refrain from——

Major SMITH [continuing]. I would see anybody in the parking lot.

Senator SIMPSON. Well, I used to weigh——

[Applause.]

Senator SIMPSON. I used to weigh 260, had hair and thought beer was food, and I was a very formidable person in those days. That is

not quite the case now. But I have listened to you and I get 5 minutes' worth. You may not like it at all.

I want to ask, too, Sergeant McIntire, have you chosen to remain silent today?

Sergeant MCINTIRE. No, I have not. Most of the information that is being—well, actually, there is not much information at all being passed back and forth, and I do not mean any disrespect to the committee, but I am not familiar at all with the political ins and outs and people that spend 20, 30 minutes thanking each other for being here, and I am just not familiar with it at all.

[Applause.]

Senator SIMPSON. Let me ask you, then—and one of the things that is fascinating to me as I look at this, I guess the issue comes down, for me, is this: When are you going to show us about these people that the American public are interested in? Are you just going to talk the talk and never walk the walk with us? That is number one. The American people deserve to know that.

The next one is, what is in it for you? I think that is a very important one for the American people. Is what is in it for you a continuing dependency of your followers or getting to the root of the issue? I would really love to know that. So you remain the pied-pipers of a band or that you get off your fanny and share with us what it is about American people in Southeast Asia? Because the rest of it is applesauce, and I would think that your followers would not only be offended by that, but, in thinking about it, would be hurt by that.

Now, that is about four and a half minutes' worth from Simpson. But, boy, I tell you, I practiced a lot of law and saw a lot of faces and saw a lot of guys throw up their right hand, but I ain't heard nothing yet.

Chairman MURKOWSKI. Thank you, Senator.

Major SMITH. Sir, all I came here today was to answer the questions that Mr. Principi sent down, and he asked for those three photos, those specific three photos. He didn't ask for anything else. That is what I came here to show him today. He wanted those three photos. That is——

Senator SIMPSON. Well, then, who are they and who took them and what are they for? That is a good question. Even in their original form, as Senator DeConcini, that—show me the original and then show me the original and tell me who it is, who took them, what's the source and what they are presented to us for.

Major SMITH. As reported to—as I said in my statement and as reported to DIA, the importance of these three people, from my testimony in the closed session, sir, was that we looked on them as potential sources of information, since everyone discounted what a refugee said. Here were Westerners living inside Laos. We looked on them as potential sources of information who someone, because they had round eyes, I assume, would believe.

In that testimony, what Mr. Principi sent to us, he asked if we had pictures of these people. I said yes.

Senator SIMPSON. Major Smith, we have a lot of Westerners in Laos, we have an Embassy in Laos. I mean, how do we know these aren't just Embassy personnel out on a Sunday? Now, that is exact-

ly what you are leaving us with. So if you are here with the horses, why, drag them out.

Major SMITH. Yes, sir. See this gentleman with an M-16 rifle?

Senator SIMPSON. What happened to the other 190 to 200 photographs you told us about once before? Don't want to talk about that?

I see, your counsel is saying don't talk about that.

Mr. WAPLE. I didn't say that at all.

Senator SIMPSON. OK, what did you say?

Mr. WAPLE. I said——

Senator SIMPSON. You are here.

Mr. WAPLE. I said to Major Smith, tell the Senator that he never testified about 200 photographs.

Senator SIMPSON. Somebody did. You know, I——

Mr. WAPLE. Not this witness.

Senator SIMPSON. I see. Do you know anything about 190 or 200 photographs?

Major SMITH. Yes, sir.

Senator SIMPSON. What about them?

Chairman MURKOWSKI. Excuse me. I think, for the record, since we are into a discussion on something specific, there was a question by one of the Senators, Senator DeConcini, "Based on that photographic information and other information, you were able to take off a name on the list and identify some of them.

Major SMITH. Yes, sir. On the photographs that were turned over, the same individual again turned them over once to DI. I turned them over again. They identified there are a number of photographs, I think 190, maybe 200.

Major SMITH. To Colonel Howard.

Senator SIMPSON. That was you testifying.

Major SMITH. Yes, sir.

Senator SIMPSON. That is very helpful, isn't it?

Major SMITH. To Colonel Howard. I do not know the disposition of those.

Senator SIMPSON. You just denied it, so——

Chairman MURKOWSKI. I think your 5 minutes are up, Senator.

Senator SIMPSON. Yes, they must be up. I am up.

Chairman MURKOWSKI. Let me take a turn here and see if we can't get to some specific resolves.

What we were under the illusion, major, is that you had proof, and that is in previous testimony by you, that Americans are being held captive in Southeast Asia. Do you have that proof?

[No response.]

Senator SIMPSON. I don't hear any report for the record on that answer.

Major SMITH. I'm sorry, sir?

Senator SIMPSON. There is no report on the record with that answer. What is your answer?

Major SMITH. On whether or not I have proof?

Senator SIMPSON. Yes.

Chairman MURKOWSKI. Yes.

Senator SIMPSON. There was just a nodding of the head. I would like the record to read what you responded.

Major SMITH. Yes, sir, we feel that we have the proof.

Chairman MURKOWSKI. Have you——

Major SMITH. Or access to that proof.

Chairman MURKOWSKI. Have you given that proof to this committee?

Major SMITH. No, sir.

Chairman MURKOWSKI. Do you intend to give that information to the committee?

Major SMITH. Well, sir, I have given this committee a number of items.

Chairman MURKOWSKI. We are talking about the proof that you are referring to in your current statement.

Major SMITH. I have given you, I believe, enough proof to show——

Chairman MURKOWSKI. Would you identify specifically the proof that you say you have that Americans are being held captive?

Major SMITH. Yes, sir. I provided you with the intelligence report——

Chairman MURKOWSKI. That is——

Major SMITH [continuing]. That identified——

Chairman MURKOWSKI [continuing]. Hardly proof, major, and I think you would agree. Is that what you are referring to as proof, the intelligence report?

Major SMITH. No, sir. What I am referring to as proof is, you had a major general come in front of you and sit here and say my unit did not have a mission to gather information——

Chairman MURKOWSKI. No.

Major SMITH [continuing]. On prisoners of war——

Chairman MURKOWSKI. I am not talking about information.

Major SMITH [continuing]. On prisoners of war——

Chairman MURKOWSKI. I am talking about——

Major SMITH [continuing]. And in his own hand I provided you a document where he approved those operations. Furthermore, I provided——

Chairman MURKOWSKI. Major, what we are looking for specifically—and I would like to keep the framework of questions direct—what is the specific proof that Americans are being held captive? That is what we are looking for. That is why we are both here.

Major SMITH. I believe that you received a picture from a lady from Florida in the last session which—that also ended up in the press—where she identified that person in that picture as being her husband, as did her new husband, and——

Chairman MURKOWSKI. Is this the proof that you are providing the committee with?

Major SMITH. No, that is one of the pieces of evidence that we have, also. We have additional proof. We have letters, we have a number of——

Chairman MURKOWSKI. Well, obviously the committee is looking for——

Major SMITH. But most of all I would say as far as—since we are going to talk credibility here——

Chairman MURKOWSKI. No, no, just a minute.

Major SMITH [continuing]. On proof——

Chairman MURKOWSKI. I am just looking for proof, any proof you may have.

Major SMITH. We provided intelligence reports to the U.S. Government on locations, numbers of individuals being held in Laos. You have had senior officers appear before you say we didn't have the mission. We have given you proof that we did have that mission. We even gave you an intelligence report showing a location and numbers of people being held there. And I notice that that particular piece of information did not end up in the press.

Chairman MURKOWSKI. Major, what we were contemplating today was additional proof, additional information, and we are still looking for it.

I am going to change my line of questioning and go back to try and establish the relationship between Obassy and Gregson.

Major SMITH. Yes.

Chairman MURKOWSKI. You acknowledge that they are the same person?

Major SMITH. Yes, I acknowledge that they are the same person.

Chairman MURKOWSKI. Do you recall a conversation before this committee with regard to the, I believe, 248-minute video footage that you——

Major SMITH. Yes, sir.

Chairman MURKOWSKI [continuing]. I believe, indicated that you have seen the entire film?

Major SMITH. Yes, sir.

Chairman MURKOWSKI. Could you enlighten the committee on the request that there be consideration given for turning over that film to specific authorities and the transmission of approximately $2.4 million for that film?

Major SMITH. Four point two.

Chairman MURKOWSKI. Is it $4.2 million?

Major SMITH. Yes, sir.

Chairman MURKOWSKI. Can you enlighten us a little bit on that?

Major SMITH. Yes, sir; I certainly can.

If you recall, when I testified in the closed session before this committee, I attempted to talk at that time about certain other things that would total up to amount of $4.2 million. At that time, Mr. Chairman, I think if you go back through the minutes of those hearings, you will recall that your statement to me was, what's the bottom line, and I said, $4.2 million.

Chairman MURKOWSKI. Four point two would be delivered by whom and who would receive the 4.2?

Major SMITH. I think it would be enlightening if we just went ahead and run down that sequence of events that did in fact take place.

Chairman MURKOWSKI. Please proceed.

Major SMITH. As you know, a letter went to the White House.

Chairman MURKOWSKI. What letter? Would you be specific?

Major SMITH. Yes, sir. I wrote a letter, or a letter was written by my attorney and hand-carried to the White House to President Reagan by Congressman Bill Hendon. At that point in time, Vice-President Bush and the Director of the Defense Intelligence Agency, Lieutenant General Perutes, were designated as the individuals who would look into this and pursue it.

For the next three months, while we were I guess being discussed much in this fashion while we weren't here, we were working di-

rectly with and coordinating with Congressman Hendon, Vice-President Bush and the Director of the Defense Intelligence Agency on obtaining that particular videotape.

Chairman MURKOWSKI. Who was doing it? You individually, you were meeting with the Vice-President?

Major SMITH. No, sir. Myself—meeting with the Vice-President, that was Congressman William Hendon.

Chairman MURKOWSKI. You did not meet with the Vice-President?

Major SMITH. Oh, certainly not, sir.

Chairman MURKOWSKI. Did you meet with General Perroots?

Major SMITH. Yes, sir; I certainly did.

Chairman MURKOWSKI. On this matter.

Major SMITH. Yes, sir. And Lieutenant General Perutes and I came to an agreement this was certainly something that we needed to pursue.

Chairman MURKOWSKI. And who would be the recipient of the $4.2 million?

Major SMITH. Sir, I said at every turn that we could go and offer this guy $4.2 million. He did not——

Chairman MURKOWSKI. Who was the individual?

Major SMITH. Who was the individual what? Who would offer it?

Chairman MURKOWSKI. No. Who was the individual that would be the recipient of the $4.2 million?

Major SMITH. There was never any question of $4.2 million in cash, as I attempted to tell Lieutenant General Perroots and everyone else involved. Everyone insisted that I show up in Singapore, along with Mr. Waple, and offer this individual $4.2 million in cash——

Chairman MURKOWSKI. Can you identify the individual?

Major SMITH. Yes. Mr. Obassy.

Chairman MURKOWSKI. So Mr. Obassy would get $4.2 million?

Major SMITH. We were to—on the direction of the Vice-President of the United States, through the Defense Intelligence—Director of the Defense Intelligence Agency, we were to offer Mr. Gregson $4.2 million in cash. Mr. Obassy's response was, "I didn't ask you for $4.2 million in cash. I asked you for support of these people in Laos. I have never asked for money." The money was sitting in the Bank of America, in cash, in Singapore, waiting for Mr. Gregson. He then took Congressman Hendon in and showed him a portion of this videotape which showed the gold mines, the timber operations and prisoners in slave labor and one individual that he described as being an American overseer of prisoners, a Westerner.

Chairman MURKOWSKI. I have a letter here dated February 28 from your attorney, and I will read it as follows:

"They will be required to pay the sum of $4.2 million in cash and take receipt of the original film." That is signed by Mark Waple who is here today, February 28, 1986.

Is this your letter?

Mr. WAPLE. I assume it is.

Chairman MURKOWSKI. There seems to be a bit of a discrepancy on the question of requirement and payment of cash.

Major SMITH. I think if you go back through your testimony that we gave before this committee, I attempted to describe what the $4.2 million was to cover, and the response was——

Chairman MURKOWSKI. Well, it appears pretty clear here in your attorney's letter that it was a requirement to pay the sum of $4.2 million in cash——

Major SMITH. Well, let's say that it was $4.2 million in cash.

Chairman MURKOWSKI [continuing]. And take receipt of the original film.

Major SMITH. If there was no film, and no one believed about the film, then I can—I find it amazing that the Vice-President of the United States and a Director of the DIA, if this was just a piece of bogus nothing, would authorize—no one attempted to extort. It was offered.

Chairman MURKOWSKI. There has been——

Major SMITH. The money was in the bank.

Chairman MURKOWSKI [continuing]. No suggestion of that.

Let me conclude, because my time has far surpassed.

Specifically, what are the chances of the film being made available to this committee?

Major SMITH. I would say that the chances of this film being provided to this—the last thing we have heard from Mr. Gregson is that, after what has happened to him, he intends to show his evidence in the Federal District Court in the Eastern District of North Carolina as evidence in a lawsuit, which I think most of you are aware of.

Chairman MURKOWSKI. So we can conclude, then, that he would not make the film available to this committee, but intends to pursue legal——

Major SMITH. I doubt very seriously, sir; if he is going to come to Washington as he did on June 25.

Chairman MURKOWSKI. Was there some communication with regard to the film that we had earlier that there was a possibility that some may have had an opportunity to go see the film, but that——

Major SMITH. Yes, sir.

Chairman MURKOWSKI [continuing]. Didn't happen and——

Major SMITH. Only Congressman Hendon went and then the—first of all, sir; this is not the easiest person in the world to deal with, this Gregson, and I am not attempting to make Gregson to be lilly white. But we have pursued this evidence and he has shown portions of it to a number of different people.

Chairman MURKOWSKI. Was there a copy of the film burned? There was——

Major SMITH. Yes, sir; a copy of that film was burned.

Chairman MURKOWSKI. Who burned it?

Major SMITH. Supposedly Gregson burned it. I am not convinced that that was even the film that he burnt.

There are a number of—as I told you in closed session, there are a number of people who possessed this particular piece of evidence. General Perroots believes that it exists——

Chairman MURKOWSKI. Senator DeConcini.

Major SMITH [continuing]. And I would assume he has verified it.

Senator DECONCINI. Major Smith, let me carry on where the chairman has left off. Your belief is that there are Americans, live, being held there, based on an intelligence report that you gave to this committee.

Major SMITH. No, sir.

Senator DECONCINI. Is that one of the——

Major SMITH. That is just——

Senator DECONCINI. That is one of them.

Major SMITH. As you recall, sir, I gave you examples of——

Senator DECONCINI. Yes.

Major SMITH [continuing]. Incidents that had been turned in.

Senator DECONCINI. What specific intelligence report? I don't have that before me. Do you have a copy of it or do you remember when you gave it to us?

Major Smith. Yes, sir. We provided that——

Senator DECONCINI. Can you identify it, because I would like to read it.

Major SMITH. Yes, sir. We provided that to the committee. It shows a location and a certain number of prisoners of war——

Senator DECONCINI. Oh, yes.

Major SMITH [continuing]. Being held at this location.

Senator DECONCINI. Was that in the closed session?

Major SMITH. Yes, sir; it was.

Senator DECONCINI. OK, OK. That is one piece of evidence——

Major SMITH. Yes, sir.

Senator DECONCINI [continuing]. That helps you conclude that.

The second piece of evidence is examples of these photos that are here, that, from your position, come from a reliable source——

Major SMITH. Yes, sir.

Senator DECONCINI [continuing]. That have been described to you as people in those countries——

Major SMITH. In Laos.

Senator DECONCINI [continuing]. Left in Southeast Asia.

And the third is the videotape that you have seen——

Major SMITH. Yes, sir.

Senator DECONCINI [continuing]. That convinces you that certain things are going on in those countries and that there are Americans there. What else, as far as describing the evidence that you have?

Major SMITH. Our experience with the sources that we had——

Senator DECONCINI. The experience with the sources——

Major SMITH. I think it is interesting to note, sir, that, be it Mr. Cassidy or Colonel Alpern, who downplayed all this evidence, recently on a trip to Southeast Asia I met with two generals from the Thai Armed Forces who, at the same time that people were talking about they had never gone and attempted to discredit people, again were back up at these special forces units and at these generals' houses seeking meetings with them again and with their commanders attempting to find out whether or not they could shut down—not gain information—but shut down investigation of a certain Colonel Mike Eiland and his wife.

Senator DECONCINI. Mike Eiland?

Major SMITH. Eiland and his wife, yes.

Senator DECONCINI. Who were retired or on active duty, or what?

Major SMITH. I believe that Colonel Eiland is retired from the Army or——

Senator DECONCINI. And he had a separate, private mission he was attempting to do?

Major SMITH. No, sir. In Thailand he worked with the refugee program.

Senator DECONCINI. Oh, OK. Well, now, the evidence that you believe substantiates Americans—are those three items I mentioned, plus the sources that you have and have had over the years in Thailand and other places.

Major SMITH. Yes, sir.

Senator DECONCINI. Now, we are confronted, as the chairman points out, for whatever reasons, justifiable or unjustifiable, we can all debate that for a long time, with one of these major pieces of evidence, being a videotape, not being made available to us. Is that your fair observation?

Major SMITH. I don't believe it is, sir.

Senator DECONCINI. OK. Do you believe that that tape is going to be made available in the lawsuit that you made reference to? Or don't you know?

Major SMITH. Sir, I don't know. I—my greatest hope with the videotape is that it is not turned into a commercial endeavor where it is sold to the highest bidder and then put on TV.

Senator DECONCINI. Just for the record, and don't misinterpret it, were you, McIntire, or any of your group going to receive any of the funds if there was money transferred for this videotape?

Major SMITH. Absolutely not, sir.

Senator DECONCINI. Now, in a sworn statement made on May 8, 1986, Sergeant First Class Woodfield stated that he thought you took the POW/MIA files with you from the unit safe in SDF-K. Did you do it and, if so, what happened to them?

Major SMITH. Yes, sir; we took the files after we were told to destroy those files. We read the security regulations under the National Security Act and the appropriate Army regulations. It is the responsibility of everyone with a security clearance, and certainly a commander, to protect classified information from either compromise or destruction. And we were instructed to destroy it and, rather than destroy it, we brought it back and attempted to give it to the Army IG.

Senator DECONCINI. Who did you give it to?

Major SMITH. We provided information to the Army Inspector General, reported this incident to the Army Inspector General in the Pentagon, and——

Senator DECONCINI. Do you know approximately when that was?

Major SMITH. Yes, sir. We were told if we wanted to see the Army Inspector General, we would have to come from Fort Bragg at our own expense, even though we were in the Army at the time. But that was in October of 1984.

Senator DECONCINI. And did you take those files to the Inspector General?

Major SMITH. No. We wrote a report on what we had and what we had been ordered to do and took it up and turned it in to the

Army Inspector General. They then farmed out to different agencies of the armed forces and the government——

Senator DECONCINI. Did you keep any copies of that information?

Major SMITH. Yes, sir.

Senator DECONCINI. Do you have some of it?

Major SMITH. I don't have them here. The information I gave the Army IG to conduct their investigation, I don't believe that we provided you with that information.

Senator DECONCINI. Did you turn over all of those files to the Army IG?

Major SMITH. Oh, no, sir; certainly not.

Senator DECONCINI. Why not?

Major SMITH. Well, primarily because a major general had just said to shred them.

Senator DECONCINI. Did you——

Major SMITH. I contend that. And I did not, and I wasn't too sure that the guys meeting in the Pentagon wouldn't tell me the same thing or attempt to take those things away from me.

I think Sergeant McIntire can address——

Senator DECONCINI. You kept some of the files, and you turned over some of the files. Is that accurate?

Sergeant MCINTIRE. Yes, sir. I took a briefing overview which contained information from those files which was in a format of tabs, 14 tabs with a table of contents. I took that information to a classified unit in Virginia, who directed me to Delta at Fort Bragg, who directed me to JSOC at Pope Air Force Base, where I turned that packet over to Major General Steiner of JSOC. However——

Senator DECONCINI. Major Steiner?

Sergeant MCINTIRE. Yes. However, by that time, having been through the normal chains of command and assorted and sundry groups of people, none of whom—all of whom seemed very interested initially, and then when I went back to see them were not interested at all, I removed three inclosures, leaving the tabs, leaving the table of contents, and turned it in. Nobody has ever asked me where those three missing inclosures are.

The next time I saw that information, or what I believed to be that information, at least part of it, was on the desk of Warren Grey at the DIA in the Pentagon when I went up there for an interview in June of 1984—no, 1985. And looking on his desk, I saw some of the documents that were contained in that briefing overview. However, they were no longer in a tabbed format. They had been removed in just individual pieces of paper.

Senator DECONCINI. Now, Sergeant McIntire or Major Smith, you still have some of the documents that Sergeant First Class Woodfield said were in the safe. Does some of that information also lead you to believe that there are Americans still being held?

Major SMITH. Yes, sir.

I think what might be important, Senator, to you, to all of you, if you are looking for truth, is to take the Army's own correspondence manual, and probably anybody that has ever been in the Army can tell you, that major generals don't take xeroxed copies of anything. You give a major general an original copy or you sign your life away saying this is true, this is not true.

Well, if these wonderful fellows that appeared before this Committee are telling the truth, then one of them ought to have the original copy of that report, and not a copy that they got from the Army IG or a copy they got from DIA or from JSOC, as we walked around trying to give copies——

Senator DECONCINI. Well, the problem——

Major SMITH [continuing]. Of this to everybody.

Senator DECONCINI. Major Smith, the problem we have is that those gentlemen deny that they ever received it from Colonel Howard.

Major SMITH. I don't think General Leuer denies receiving the copy—or the report from me on the 10th or 14th of May—or April 1984. The story is that he directed that this be passed forward and so on.

I believe that if it cannot be proven here, I believe that someone, either in a judiciary or somewhere, is going to look at the Army's own regulations and say, when you pass forward a report, you pass forward one original and two file copies. Whoever has the original report is the guy telling the truth. You won't find the original report in Washington, DC, or in the Pentagon.

Mr. BILIRAKIS. Would the—excuse me, would the Senator yield a moment?

Senator DECONCINI. I would be glad to yield.

Mr. BILIRAKIS. Mr. Chairman, we have to run to vote, and I know by the time we get back, the time will have already expired.

Would it be out of order to suggest or request that sometime, possibly after Senator DeConcini's questioning, that we have maybe a few minutes, 15 minutes, recess, closed recess with these three gentlemen, their attorney, Sergeant McIntire, Major Smith, and no staff involved—possibly maybe you may want to have Tony. But my point is sit down in a closed room some place and try to thrash out some of these things.

We have to get to the truth of what is happening here and we—the emphasis seems to be on problems with DIA and the Government and things of this nature, and it is not that we are going to hide anything like that, but the point is we are still trying to get to the truth of MIA/POW's, and I just thought if we sat down for just 15 minutes with these gentlemen, it might be very helpful. Not that I ordinarily think that closed hearings is the way to go, but we just—I am just not sure whether we are getting anywhere.

Chairman MURKOWSKI. I think that your suggestion has merit, although I would like to withhold any contemplated closed sessions for basically two reasons: One, I want to confer with the balance of the committee on rescheduling this hearing at a time when Major Smith and Sergeant McIntire could accommodate; and, second, I have a basic objection against closed hearings.

Mr. BILIRAKIS. Well, I do, too, and I am not necessarily talking about a formal closed session, sir. I am talking about you getting around a little table like this and just talking turkey.

Chairman MURKOWSKI. Well, I would suggest that for another hearing that we consider your request at that time. I don't intend to go into a closed session today. We have one other witness——

Mr. BILIRAKIS. We do have another witness?

Chairman MURKOWSKI [continuing]. That will be testifying and I do want to take that witness.

Senator DeConcini, you are still——

Senator DECONCINI. Mr. Chairman, thank you.

Chairman MURKOWSKI [continuing]. Proceeding.

Senator DECONCINI. Let me go back to this, because, major, my concern is that this committee have everything that it can. We obviously—you don't have a copy of the tape, videotape, I presume.

Major SMITH. No, sir.

Senator DECONCINI. Mr. McIntire, so we can't have that.

Now, you do have copies of this intelligence report that was taken from the safe.

Major SMITH. Yes, sir; and I gave you the two cover letters in the closed hearing.

Senator DECONCINI. Right. Now, we would like to have the other information that is included in the subpoena. When can you deliver that to us, because I would like to look at it, just like I want to see the original photos.

Major SMITH. Any time next week, sir.

Senator DECONCINI. Any time next week? OK, if you would make that available to me and——

Major SMITH. Yes, sir.

Senator DECONCINI [continuing]. To my staff, I would like to go over it and see.

Major SMITH. This is—let me tell you what this—this is that report, sir, that——

Senator DECONCINI. Well, but you said there was other material that was not in the report.

Major SMITH. Yes, sir.

Senator DECONCINI. What I want to see is what you have that came out of that safe and whatever evidence you have in your possession, that leads you to conclude that there are Americans alive there.

And let me tell you why. This is not to sandbag you or anything else.

Major SMITH. Yes, sir.

Senator DECONCINI. Because I believe you have evidence, and I now believe that you are gun-shy of this committee, right or wrong, and I don't cast any dispersions on the chairman because the information he did let out was already on the public record. But, nevertheless, that is the problem I face.

I would like to see that information so I can draw a conclusion on whether or not DIA has come forward in responding to this type of intelligence information. And you can be very helpful.

Now, under the subpoena, you are required to do this, and I know you are a law-abiding man and I am sure you are going to supply it to us. But as you supply it to us—next week, week after next, or whenever we set, and I hope we can set that before you leave here today—you can help us and identify what you think that is. It doesn't mean that it absolutely is something particular or that someone else is lying, but if you can identify what it is, it would be helpful, so that I can take notes and have my staff take notes, because, quite frankly, I am going to present this stuff to DIA. I am going to say, "What about it, gentlemen?" Because I am

confronted here in not having the evidence that you have. Some of it you don't have. I can never get that, you are telling me. The evidence you do have, I would like to have, and I think we are entitled to that and I can't imagine you objecting under a subpoena, to giving it to us so that we can present it to DIA and confront them frankly. I want to know——

Major SMITH. Yes, sir. If I could——

Senator DECONCINI. Wait, let me just finish.

I want to know, for instance, if DIA has these original photos or ever had them. You say they do. I would like to present those original photos and say, "Have you ever seen them? Would you look and task your computers and your files for them?" And if they say, "We can't find them," fine, "What are they? Can you identify these people?" I don't mean you, I mean DIA.

The same thing goes with your locations.

Major SMITH. Yes, sir.

Senator DECONCINI. I am going to ask the DIA, as I suspect the chairman is, to please explain what they know about these locations, and what you might have, Major Smith, is going to be very helpful to me. Because if they don't have that information, and you say it has been turned over, I want an explanation from them.

So that is where I come down in trying to gather what I can. We are only mortal people here with a very limited amount of resources. I don't have the Department of Defense to help me, nor do I have the sources that you have. I wish I did. I was a prosecutor once and I used to have those kinds of sources. I am not anymore. I have to rely on what you are willing to give to me and to my staff so that I can present it.

Major SMITH. Yes, sir.

Senator DECONCINI. And you can keep all the copies you want. That is what would be helpful to this Committee.

Major SMITH. I would do that, sir, and if I might make one request of you——

Senator DECONCINI. Yes, sir.

Major SMITH [continuing]. Since it seems to be a hard document to come by.

The military, unlike less structured areas of our society, has very strict rules, regulations, and this, that, and the other, down to include what size of broom to use, and we have a correspondence manual that covers classified correspondence and also unclassified correspondence. And, sir, if you would obtain a copy of that, I believe that it will become immediately significant to you as to whoever holds the original copy of the 10 April report is the person who is telling the truth about whether or not it went forward, whether or not some guy said shred it, or whether or not some guy exceeded that report.

Senator DECONCINI. Excuse me. Be specific. What are you asking—what are you suggesting that I ask for?

Major SMITH. Sir, I would like for you, if you could, to brush up on the Army's correspondence procedures on passing forward of classified documents and reports.

Senator DECONCINI. OK. And what do I ask for?

Major SMITH. The Army has a correspondence manual.

Senator DECONCINI. First the manual on correspondence. That's easy.

Major SMITH. Yes, sir.

Senator DECONCINI. And then——

Major SMITH. Then, sir——

Senator DECONCINI [continuing]. All the classified correspondence relating to the report of April 10?

Major SMITH. No, sir.

Senator DECONCINI. No?

Major SMITH. I think, when you get that manual, look in there and find out, whenever something of this nature is passed up the chain of command, as when I went in and provided it to General Leuer and I say that he handed it back, and they claim that it went to another channel. The significance is, who has the original; I mean the hand-signed original, not a Xerox copy. Because no major general, no first sergeant, accepts a xeroxed copy from a subordinate. No higher headquarters accepts a xeroxed copy from a subordinate.

Senator DECONCINI. Are you suggesting that Major General Moore may have that?

Major SMITH. No. I am suggesting that none of them have that because no one accepted it.

Senator DECONCINI. OK.

Major SMITH. That is what I am suggesting.

Senator DECONCINI. Then what you are suggesting is we ought to try to find out where it is.

Major SMITH. I know where it is.

Senator DECONCINI. Where is it?

Major SMITH. I have it.

Senator DECONCINI. You have it. [Laughter.]

In that case, that is what I would like to have you share with us.

Major SMITH. Which would indicate to me that if I have the original, that all these people who claim they took it along the way——

Senator DECONCINI. Might have made copies.

Major SMITH [continuing]. May have been less than truthful before this committee.

Senator DECONCINI. Well, I think that would be very helpful, at least to have the original that they refused to take.

Major SMITH. Yes, sir.

Senator DECONCINI. Now, that is a piece of evidence that I would like to see——

Major SMITH. Yes, sir.

Senator DECONCINI [continuing]. And that I think would be helpful to us without infringing on any of your sources.

Major SMITH. Yes, sir; I could provide that.

Senator DECONCINI. OK.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. It is our understanding, then, that you will present this committee with the actual original copies which you have in your personal files and these will not be xeroxed. These were obviously the copies that you were instructed to shred.

Major SMITH. Sir, we will certainly be willing to show that——

Chairman MURKOWSKI. That's fine.

Major SMITH [continuing]. To the members of this Committee.

Chairman MURKOWSKI. That's fine.

Major SMITH. Simply because the significance of it being an original is a critical piece of evidence in the Federal court in North Carolina.

Chairman MURKOWSKI. Thank you.

I would just like to briefly ask one other question. In your testimony, Major Smith, you made reference to the movement of prisoners of war being held against their will in a country other than Vietnam, Laos or Cambodia, and this is the first time we have had, to my recollection, any reference to China.

I am wondering, is this new information that you have had come about since we had previous visits? You seem to be quite exact in your reference to movement from Laos to China, and it seemed to me in previous discussions we had had respective movement from Laos to Cambodia.

Major SMITH. No, sir.

Chairman MURKOWSKI. Well, why don't you tell me a little bit about—you know, this has some serious implications with our relationship with the People's Republic of China, and the allegation that there is indeed some movement there would—do you know if the authorities in China have knowledge of this, the People's Republic of China have some knowledge of this illicit movement of prisoners back and forth across their border?

Major SMITH. I don't know that, sir.

Chairman MURKOWSKI. You have no information.

Major SMITH. If you will recall my description of who participated in certain elements of this videotape, and go back and look at that, I believe that I name a number of different parties who are participating in a meeting that took place in that particular videotape. I think if you go back, other than taking about it here, and look at that particular information, I think that the significance of our orienting on that particular inclosure and China will become evident.

Chairman MURKOWSKI. Well, I am just going to refer to exhibit G.

Senator DECONCINI. Mr. Chairman, could I beg the indulgence of the chairman to clarify my last request of Major Smith? I promise to be very short.

Major Smith, I want to be sure that we understand. My question to you regarding Sergeant Woodriff, indicating that he saw you take all the files, which now you indicate you did take from the safe—you are going to go over all of that information that you have, not just the report.

Major SMITH. Yes, sir. We did not take all the files.

Senator DECONCINI. OK. Well, whatever you took, you are going to review it with us.

Major SMITH. Yes, sir.

Senator DECONCINI. Thank you. I just wanted to be sure.

Chairman MURKOWSKI. I am looking at exhibit G which shows a map and parallel and two arrows. Can you enlighten the committee as to the specific reference to the allegation that there is movement with some sources and some reference to specifics?

Major SMITH. Yes, sir. All that we used that symbol for was to indicate a movement—and we had explained it, I believe, in the testimony—a movement back and forth between——

Chairman MURKOWSKI. I know, but what source do you have with regard to your knowledge that this actually exists?

Major SMITH. As I described to, I believe, the committee in closed session, the—this information we had come on before, but when we asked that this videotape be made, we asked that it include all of the areas——

Chairman MURKOWSKI. You say you asked that the videotape be made?

Major SMITH. Yes, sir.

Chairman MURKOWSKI. You asked for evidence, pictorial evidence——

Major SMITH. What I asked that gentleman for was evidence of two things: gold mines and timber operations using slave labor. The fact that that tape contained what I contend are U.S. prisoners was a complete surprise to me.

Chairman MURKOWSKI. I thought Gregson had the videotape, but you saw the videotape.

Major SMITH. Yes, sir. I asked that this videotape be made.

Chairman MURKOWSKI. And wasn't there some reference to the identification of those in the videotape?

Major SMITH. Yes, sir.

Chairman MURKOWSKI. What was that reference?

Major SMITH. The reference was that I didn't believe their mothers would recognize them.

Chairman MURKOWSKI. Well, then how did you know that they were American prisoners of war?

Major SMITH. Sir, I was in Southeast Asia at least a part of every year from 1965 to 1973, and I guarantee you I can tell the difference between an American and a Southeast Asian.

Chairman MURKOWSKI. Well, could they possibly be another Caucasian? French?

Major SMITH. Sir, it is possible that those could be French prisoners.

Chairman MURKOWSKI. Well, major, I am not going to pursue this any longer, but I would like to have your agreement to come back before the committee and at that time we will structure the hearing to go through the exhibits that you have presented, and what we would expect is to have an opportunity to hear from DIA as well as yourselves in providing us enough detail to try and ascertain whether this will lead us to take any action to try and find the whereabouts of those who are still unaccounted for.

Major SMITH. Yes, sir.

Chairman MURKOWSKI. That is what we are attempting to do. Unfortunately, with the material that I have today, I wouldn't know where to specifically start——

Major SMITH. I understand, sir.

Chairman MURKOWSKI [continuing]. On that point and I would hope that we would get further information.

Now, I assume that you will be willing to come back to the Committee with, what, 2-week notice, is that reasonable?

Major SMITH. Sir, also, if you would, if you are going to have DIA here and the Army, General Leuer, whoever, I would appreciate it if they could search around for the original report——

Chairman MURKOWSKI. I assume you have it.

Major SMITH. Well, now they claim that they passed it forward.

Chairman MURKOWSKI. We will——

Major SMITH. I would just like to have the guy that has it in the Government to bring it here to the Committee if they in fact have it.

Chairman MURKOWSKI. We will certainly pursue that.

I want to thank you, gentlemen, and you are excused. We will recall you at a later date.

Our next witness is Mr. James Coyne. I would ask Mr. Coyne to stand and be sworn in.

Will you raise your right hand? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

Mr. COYNE. Yes.

Chairman MURKOWSKI. If so, please signify by saying "I do," and you have. You may be seated, sir.

Would you please proceed. Identify yourself and proceed with your statement, sir.

STATEMENT OF JAMES PATRICK COYNE, WRITER

Mr. COYNE. My name is Jim Coyne and I have, since April 1981, been actively investigating the possibility that live American prisoners of war captured during the war in Vietnam may yet remain prisoners more than a decade after the fall of South Vietnam either in Vietnam or elsewhere.

As foreign correspondent for Soldier of Fortune magazine, I was assigned to Bangkok, Thailand, in 1981 to determine what basis there was in fact for such claims. I remained in Thailand on behalf of Soldier of Fortune magazine until June 1984 and consider myself well informed regarding the question of life Americans in captivity in Southeast Asia and the efforts, both official and private, to resolve that issue.

During the course of my 36 months in Thailand, I became familiar with most of the principal players involved, either officially or unofficially, on the POW issue. Furthermore, my sources and contacts for information included Lao Nationals, Thai military and civilian sources, Vietnamese refugees and officials, private and official American representatives in Thailand and the United States, and Third Country Nationals concerned for various reasons with the questions of American prisoners of war remaining in Vietnam.

In short, because of my familiarity with Thailand and the vagaries implicit in the search for American POWs in Southeast Asia, I was a principal point of contact and a valued asset for many individuals representing many points of view, traveling to Thailand or visiting Bangkok for purposes of inquiry into the POW issue.

Many of the individuals who have testified before this Committee, and perhaps just as importantly, many of the individuals who have not testified before this Committee, are well known by me. Scott Barnes, for instance, who has testified before this Committee, arrived in Bangkok under somewhat unusual circumstances on

Sunday, June 14, 1981, from Hawaii. I first met with Scott Barnes in Bangkok on June 19, 1981 at his request. He stated at that time that he was working with and/or for Col. James Bo Gritz.

I met Maj. Mark Smith on March 5, 1982, in Bangkok while he was still Commanding Officer, Special Forces Detachment, Korea. At that time we were both participating in a joint Thai-United States parachute jump in southern Thailand.

I met Jack Bailey, who has been mentioned in testimony before this committee, Tuesday, March 16, 1982, also in Bangkok. I have had the dubious pleasure of sailing on one of the few voyages of the Acuna, Jack Bailey's boat in Songkhla, Thailand.

I first met Bo Gritz on February 28, 1983 when he surrendered to Thai police in Nakhon Phanom, Thailand. I played a principal part in the investigation and eventual expose of Bo Gritz' affairs in reference to U.S. POW/MIA's in Thailand and Laos dating from 1981 until the time of his arrest in 1983.

I met Robin Gregson, also known as the mysterious John Obassy, purported again to be in possession of POW evidence, under rather extraordinary circumstances on May 29, 1983, after Gregson's name was provided to SOF by an Irish-American named Sean O'Toolis, incarcerated at that time for IRA-related weapons charges in Chicago as having information for sale regarding U.S. POW Brendan Foley. SOF printed a stinging negative evaluation of both Sean O'Toolis and Robin Gregson in the SOF POW/MIA Special identifying them both by name in the spring of 1983.

Although these men represent a zealous hard core of POW/MIA activists, in some cases they are no more than criminal frauds intent upon nothing more than extracting money from the pockets of those gullible or desperate enough to believe them.

Which leads me to this point, however: The U.S. Government is not without fault here. And in the case of Bo Gritz, the USG actively support his efforts long after it was apparent that his mission had gone off the rails. To some extent these people exist because the U.S. Government has failed to inspire confidence that it is, in fact, doing everything in its power to resolve this issue. It should come as no surprise to anyone in this room that often the U.S. Government is slow to respond or finds itself working at cross-purposes to its own best interests.

Let me say that I have learned many things over the years in the course of my investigation into this question, but the most difficult realization I have had to face is this: There is certainly enough blame to go around here for everyone, and that no one, either in Washington or Hanoi, where the ultimate answers lie, seems able or willing to make a full disclosure of the facts of what is known or even unknown regarding the ultimate fate of the missing Americans in question. Nowhere have I ever witnessed such a maze of misinformation, disinformation, opinion, conjecture and outright lies by officials and private individuals as surrounds this issue.

The atmosphere of doubt which permeates the issue of the Americans remaining in Vietnam has itself become an issue, and disgracefully, for the families of those unaccounted for and for the nation which mourns their loss, the doubts surrounding the fate of these brave Americans have been exploited by unprincipled dis-

semblers of information and mined with the unscrupulous zeal of a goldrush.

Gentlemen, unfortunately, fraud and deceipt are the rules, not the exception, when evaluating information in Southeast Asia pertaining to American POW's.

The proliferation of live-sighting reports by unreliable sources is so endemic to the region and to the issue itself that journalists and intelligence analysts alike in Bangkok, repeatedly stung by bad information, now cynically equate reports of live American POWs with the search for Bigfoot.

Were it not for the tragedy of this situation and the seriousness of the task, it would be funny, but it is not. And most despicable of all are the irresponsible opportunists and professional panderers of information who have swarmed to this tragedy like so many flies, preying upon the exposed emotional core of POW/MIA families and friends for money and support.

Although there are some who, out of grief, mislead and are themselves misled by bitterness borne of war, I am here to tell you that there are those who would trade on the POW/MIA issue for nothing more than financial gain. Some have appeared before this Committee, but the most flagrant, the most venal, have not. They remain to this day in Thailand or elsewhere, ready to victimize those vulnerable with grief or misguided by zeal.

I must state here that when I speak of Thailand, I don't refer to the Royal Thai Government, which has been most helpful in this regard, but refer to dishonorable individuals who are, unfortunately, everywhere.

Perhaps nowhere else but in Washington could so many charlatans claiming to have so little information receive so much attention for so long by so few to so little effect as regards this issue.

Perhaps it is too much to ask, the truth too bitter, the consequences too unpredictable for any of us in this room to hope to see the question of American prisoners of war in Vietnam satisfactorily resolved. Even the U.S. Government, for whom I and many others risked their lives in Vietnam, for its part seems to demand as a requirement for understanding the POW/MIA question the willful suspension of disbelief, as if history requires a security clearance.

But I submit to everyone in this room that before you ask me or my children to fight the next war, you best reconsider your obligations to those who serve and realize the unending duty you have to those who fall.

Thank you.

Chairman MURKOWSKI. Thank you very much, Mr. Coyne.

[Applause.]

Chairman MURKOWSKI. I am wondering if you would care to provide for the record your evaluation of the situation with regard to the MIA/POW issue after having spent a great deal of time searching out the truth. Can you depart for us your evaluation currently?

Mr. COYNE. Unfortunately, the issue is so—has become so fragmented, it has become almost, unfortunately and sadly, broken down into two parts, those who believe without—just on the basis of faith that there are POW's alive in Vietnam, who do not require evidence to believe that, who out of faith believe that, and others

who insist that since this evidence is not forthcoming, that there is no reason to have this faith.

The whole range of individuals attracted to this, from the most well-meaning individual to, as I said, some of the most venal, foul individuals that's ever been my mispleasure to meet.

Currently I think the POW issue is confused by almost everyone, unfortunately. I feel, myself, that the answers lie where they are unlikely to be revealed. I don't say that I know for a fact that there are live Americans in Southeast Asis, but I believe the information that could lead one to rationally come to a conclusion just have not been forthcoming from any quarter, be it in the United States or Vietnam, for that matter.

Chairman MURKOWSKI. Well, this is one of the dilemmas of this committee and, for what it's worth, there has been a genuine effort to try and offer this Committee as a forum to search out the truth. Now, one of the difficulties we continually have is the reference to go back into closed hearings, and I have in general opposed that, yet from time we get into sensitive information and it can't be forthcoming unless we do.

My question to you, sir, is; as you alleged, and I certainly agree, there is an awful lot of misinformation. As we attempt to provide this forum to search out the facts, do you see the—as a journalist, the continuing application of more misinformation because we occasionally function in a closed session and would you suggest that we change the procedure and just——

Mr. COYNE. In my opinion, everything concerning this case has no business being in a closed session. I feel that the American people, and certainly the families of those people who have men missing, deserve to have an answer. And, frankly, the suspicion in this country regarding closed sessions and lying officials is so rampant that I don't believe that anyone would trust you if you did have a closed session.

So the only way is a full and open disclosure of information. There is—I don't—you know, the war is over, these people are missing, lay it on the table. If you have something, produce it.

Chairman. MURKOWSKI. Well, obviously, as you know, Mr. Coyne, we don't have anything.

Mr. COYNE. No, I understand.

Chairman MURKOWSKI. We are encouraging others to come and present their facts so that we can initiate some appropriate action, and you——

Mr. COYNE. I certainly agree with that.

Chairman MURKOWSKI [continuing]. Observed the process today and can share with us the frustration.

Have you, in your evaluation of the facts, and you have heard the testimony of Smith and McIntire, and I don't know if you have had an opportunity to see their prepared testimony, but based on your investigative reporting, are there areas, in your opinion, in their testimony that we should be specifically following up on in the sense that there is some evidence or initiation of action that has been presented to us today?

Mr. COYNE. I have read their testimony and I heard them testify, and I am under the impression, as I believe, in fact, that they are,

that all of this deserves to be investigated. If they have that information and they have provided it, investigate it.

It is—what I found in Southeast Asia as a private individual is that no private individual has the resources or the capability to make an evaluation pertaining to this issue because there is always something behind a closed door or this guy knows something that you don't. There is just no way for me or I venture to say anyone else in this room to go to Southeast Asia and come up with a competent evaluation of live American POWs. We just don't have——

Chairman MURKOWSKI. Did you provide Smith and McIntire with any of the information that they presented the committee today?

Mr. COYNE. No.

Chairman MURKOWSKI. How about any other information previously that you are aware of?

Mr. COYNE. Major Smith—when I first met Major Smith in 1982, he would come through Thailand approximately every 6 months or so on military training missions from Special Forces Detachment, Korea. At that time, after I met Major Smith, we established a rapport, I provided him with all of the information that I developed in Bangkok at that time, primarily because we and myself and Soldier of Fortune magazine were disappointed with JCRC Bangkok, their response or lack of response to some of our questions. It seemed to us as if we were providing information and getting none in return, so we were very disgusted with that. We looked for alternate ways of feeding this information into USG, where ultimately it has to be evaluated. I don't have the files or the capability. No one does, other than DIA or CIA or USG, to determine these things.

So we provided that information then. I began to provide everything that I had to Mark Smith. And he would, in turn, submit that to—up the chain to be evaluated.

Chairman MURKOWSKI. Do you recall any of the information that you either provided him or that you are aware that he has that would provide conclusive proof that there are living Americans being held in some capacity?

Mr. COYNE. Not conclusive proof, no. And again, that is the whole crux of the matter, isn't it?

Chairman MURKOWSKI. You have heard a good deal about the film that allegedly involves thirty some-odd Americans being held in chains in a goldmine perhaps in Southeast Asia. I assume this film has been of great interest to you. Have you——

Mr. COYNE. I would certainly love to see it.

Chairman MURKOWSKI. Have you—how close have you come in your search?

Mr. COYNE. About as close as you, I'm afraid.

Chairman MURKOWSKI. Did you know Gregson some time ago—you indicated in your testimony that you had met him——

Mr. COYNE. Yes.

Chairman MURKOWSKI [continuing]. In some rather unusual circumstances.

Mr. COYNE. I would certainly not consider him a reliable source under any means.

Chairman MURKOWSKI. Why do you conclude that? Now, his reputation obviously leaves a little bit to be desired from the standpoint of his run-ins in Singapore with the police.

Mr. COYNE. All I—I base my judgment on personal experience with him. I met him in Bangkok. He made a number of claims to me. His name was given to me by Soldier of Fortune magazine in the United States as having some information for sale on a U.S. POW named Brendan Foley. This was after the—Bo Gritz had made the POW issue—pretty much brought it to the fore in February 1983. I met with Gregson in March 1983.

At that meeting, he stated that almost everyone was on his case, a very persecuted type of individual; CIA was after him, DEA was after him, the KGB was after him, DIA was after him. He relayed some information to me about four or five Caucasians. He wouldn't say whether or not they were U.S. prisoners of war, but that they were Caucasians in southern Laos who had become somehow disenchanted with something, he didn't say, who were forming a rebellion in collaboration with their former Pathet Lao guards. He claimed to have access to that area. He claimed, also, that because he was afraid that the KGB was after him, that he told me that he approached the Soviet Embassy and the KGB in Bangkok, a man named Savlov, and told them that he would cooperate with them after hearing that they were out to get him, too, because, in his words, they play hardball.

He claims to have met Russians in Laos, in this meeting with me.

I took precautions prior to meeting Gregson at the Rex Hotel in Bangkok by having a Thai National who worked with me to go to the hotel an hour before I arrived. Since the guy had obvious contacts with the IRA and he was portrayed to me as—certainly not a savory individual to begin with, I sent the Thai to observe this meeting and to report back to me after this meeting, what occurred after I left the hotel.

When I left the hotel, the Thai called me back and said, "You were photographed. There were five people who got together as soon as you left, they all got up from the table, you were recorded, and they all sat down and began talking then with Gregson."

I felt that that was an indication that this was a guy who certainly had the capability to organize something. He wasn't simply a loner, as is the case, I think, primarily with someone like Scott Barnes, but this is a guy who has a pretty organized capability.

I then began to investigate Robin Gregson. That certainly piqued my interest. The British Embassy in Bangkok was very helpful. Gregson, for instance, also made claims that he was a former member of the Special Air Services, SAS, British SAS. British Embassy assured me that that was not true. However, they did tell me that he was wanted by a number of people, by a number of police, agencies in a number of countries, to break off any contact that I had with him immediately and as firmly as possible because he was just a piece of bad work.

I didn't break off contact immediately because frankly I found that—in a way, it whet my interest.

He also, at the meeting with me, said that he—there was an individual attached to the Defense Attache's office in Bangkok who Gregson purported to have had dealings with regarding the POW issue in the past, and Gregson maintained at that time that this individual had somehow screwed him regarding some information

and that the next time he saw this individual in the bush, he would kill him. I felt that it was pretty much a statement off the top of his head, but nevertheless, if anybody tells anyone that they are going to kill them, I feel it is my obligation to bring that to the person's attention, given the nature of this man's background, certainly.

So I called the individual who was known to me, also, and I said, "Listen, do you know this guy? This is what he said."

When he heard that, he just—he said, "Can you come down to the Embassy right away?" At that time the Embassy began to mount its own investigation into Gregson to top off more—they had already had many contacts and many dealings with Gregson in the past regarding him being a professional panderer of information. This is—that is the way he made his living.

One of Gregson's—the way he made his money in Bangkok, for instance, was to have some of his henchmen, either Thai or Australian or New Zealand, go out and sell tourists—he preyed on tourists in Bangkok, those who were unfamiliar with the country and the language and the customs. He would have one of his furon, foreigner friends, go up to a tourist and the guy wants some Thai stick or he wants some heroin or he wants something, and he would have one of his people sell him that heroin or Thai stick. Then Gregson would knock on the guy's door and represent himself as a DEA agent and tell him that he would let him go if he could have the money that he had. And, as I understand it from a source that I had in Bangkok at that time, that Gregson was making $10,000 a month off of that scam alone.

He had other scams. He is a well-known individual in Bangkok and, as I heard here earlier, he is now a fugitive in Bangkok, as well.

He may have access to some of these areas up in Laos, but, I guarantee you, it is not as a legitimate businessman.

Chairman MURKOWSKI. Can you give us your evaluation of the existence of the alleged videotape that you have been looking for and we have been waiting for?

Mr. COYNE. I feel it is unfortunate that Mark Smith is forced to rely upon anyone as unsavory as Robin Gregson to substantiate his case, in my opinion. I mean, I consider Mark Smith my friend. I would like it to remain that way. But we differ on Robin Gregson. We differ on Scott Barnes. We differ on a couple of the individuals who have come forward to support his case. And it is just unfortunate to me that his case, as he stated here, relies on Gregson to produce anything, because I would not hold my breath.

Chairman MURKOWSKI. Are you aware of whether Gregson, Obassy, is in the United States at this time?

Mr. COYNE. I understood that he was in the United States at the last—when the last hearing was occurred, was in Fayetteville, but I have no idea what his status is now.

Chairman MURKOWSKI. Do you have any other instances where you have seen schemes, scams, surrounding this issue perpetrated in Southeast Asia?

Mr. COYNE. Virtually every one. If I had met one that hasn't been a scam, I can count them on one hand. As I said, it is the rule, not the exception, because there are just people who realize

the emotional attachment, the emotional core of people are just involved in this and it has become a business in Thailand.

I understood from an ABC correspondent who was there regarding this last ABC 20/20 investigative report that they were offered a dog tag for sale for $2,000. When she told me that, I said, my God, you know, they were selling those for $50 or $100 a couple of years ago. Inflation, I guess, has hit the POW/MIA market in Bangkok.

Chairman MURKOWSKI. Are you satisfied that those are authentic dog tags and not——

Mr. COYNE. I believe that they are authentic dog tags. I understand that JCRC has put forth that someone may be manufacturing and, God knows, that is possible, but the ones that I have come across and provided to JCRC have proved to be authentic. The ones that other people have come across and provided have proved to be authentic. There may be some nonauthentic ones, but I haven't run across them.

Chairman MURKOWSKI. You indicated that you and Smith, while friends, departed a little bit on the area of the movie and Gregson/Obassy based on your evaluation of his background and unsavory character. Are there other inconsistencies that you feel are in Smith's testimony before the committee that are significant?

Mr. COYNE. I am not that familiar with the specific testimony other than what I heard here today. But I guess basically what it boils down to is the methodology of assembling this information and the way that the information is juxtapositioned in such a way as to imply that this reaches this conclusion, I find fault with. But that is the type of methodology that they choose to approach this with. I find that it is faulty methodology.

What I have found in Southeast Asia is that no one, it seems, not even the U.S. Government, has the intelligence capability to deduce whether or not there is a live American POW over there. What chance do I have? And if your methodology is simply to take this report from this refugee and this report and this dog tag and this piece of bone and put them all together as supporting the idea that there is a live POW, I think you are doing everyone a disservice.

Chairman MURKOWSKI. Speaking of the specifics of where we go from here, can you suggest to me, as chairman of this committee, Mr. Coyne, a procedure or pattern that would expedit the process of eliminating or reducing the misinformation and trying to get this thing on track so, by deduction, we can let the American people see and evaluate for themselves what is left and what is evidence and what isn't? It seems to be, well, the intent of the Committee a very frustrating process.

Mr. COYNE. I am sure it is. And I guess what you are asking is, if I were in your shoes, what would I do. And, boy, if I had the power of subpoena, I would sure like to talk to a lot of people at CIA and DIA, and be able to have all these files and all this information produced, which I know is available. And——

Chairman MURKOWSKI. We do have that file.

Mr. COYNE. Well, then, I would get them all down there and ask specific questions, you know. When General Perroots was before this committee, I read his testimony, but, again, it is the type of

testimony that the government leaves itself an out, in a way, because they say, well, we don't discount the possibility that there are live Americans over there. But they certainly don't go out of their way to provide anyone with enough information to come to their own conclusion.

Chairman MURKOWSKI. Well, you, again, are leaving us about where we are. That is the difficulty.

Mr. COYNE. If I had the answer——

Chairman MURKOWSKI. I would hope you would be——

Mr. COYNE [continuing]. Believe me——

Chairman MURKOWSKI [continuing]. More specific and say, well, here's an instance of something that you, as a professional writer in an area where you have had an intense interest, have a specific hunch or feeling or something that we should follow up on, because it is like grabbing the spaghetti: Where do you start?

We felt, when we had Smith and McIntire before us and they offered evidence and proof which we are still in the process of trying to evaluate in order to initiate an action, and what we have here, at least from—I haven't had a chance to read it all because it was presented today—it is difficult to initiate any specific action. I would hope that we can decipher something from it so we can go out and do something.

Mr. COYNE. No, I understand. And in a way you have already had those individuals who I would—if it were me, who I would like to talk to: General Tide, General Perutes, Richard Armitage. All those individuals have testified here, but it really—you are sort of left with no conclusion, anyway.

My feeling—I don't know, my feeling is that the information—if there is—the likelihood of live Americans being held in POW camps in Vietnam, I don't rule out, but it seems to me likely at this point that if there are any Americans alive in captivity as a result of the war in Vietnam, they are likely to be elsewhere than Vietnam or Laos, and, in my opinion, there is some reason to believe that these people have been moved either during the war or later to either the Soviet Union or possibly the People's Republic of China, as was mentioned here today.

Chairman. MURKOWSKI. Could you enlighten us at all on why you believe that that may be a possibility that they would have been moved and what would be the motivation for moving them into the Soviet Union or China?

Mr. COYNE. During the war——

Chairman MURKOWSKI. You would have to assume that they would be moved with the knowledge of the officials of both those countries.

Mr. COYNE. Absolutely. During the war, of course, Vietnam was receiving a tremendous amount of material aid from both China and the Soviet Union. They had no way to really pay them back other than to provide them with individuals who had knowledge of things that the Soviet Union or the People's Republic of China may be interested in, electronic countermeasures, electronic warfare officers, people who had knowledge regarding up-to-date electronic capabilities that were shot down. Some of the individuals shot down over North Vietnam and Laos were some very high ranking

people. They knew quite a lot of stuff. Anyone, any competent intelligence organization, would love to pick their brain.

And I think—my conjecture is, I can't prove it, is that these people were in effect turned over to the Soviet Union.

Chairman MURKOWSKI. In your general evaluation as a correspondent, are you satisfied that there has been some communique issued, at least back at the time of the release of the prisoners, to the Soviet Union by our State Department, and the People's Republic of China, asking them specifically if their——

Mr. COYNE. I am not familiar with any such communique. If there is one, I don't know.

Chairman MURKOWSKI. It would be interesting to see what kind of a response we would get.

Mr. COYNE. I have in my briefcase here some names of—there was a former security director of Laos, Camou Unserrat, who was director of security for the Lao Government after the Lao Government went Communist, who stated in 1986 that American POW's had been given to the Soviet Union during the war, as payment—as repayment for the material assistance that the Soviet Union was providing.

Chairman MURKOWSKI. One other question and then I am going to turn to my colleagues.

Much has been made about the alleged breach of the identity of Gregson/Obassy. I wonder if you could evaluate for us what the significance or importance of just what that enlightenment means? Is it life-threatening to Gregson or is it——

Mr. COYNE. Well, apparently Gregson says it is. I don't understand all the ramifications. I have not been made familiar with any of the——

Chairman MURKOWSKI. Did you know—when you knew him, did you know him as Obassy or Gregson?

Mr. COYNE. Gregson.

Chairman MURKOWSKI. When did you——

Mr. COYNE. 1983.

Chairman MURKOWSKI. When did Obassy——

Mr. COYNE. When did I find out that he was Obassy? When I came—I had missed the first couple of hearings. I reviewed the testimony of Major Smith and, in the testimony, I was familiar with everyone except for a guy named John Obassy. I had never heard of his name ever in relation to the POW issue. So I set that name aside and I began asking around, you know, who is John Obassy, who is this guy?

I found out that it was a pseudonym, that this guy—you know, a journalist works, you know, you get bits of information here, bits of information here. One guy said, well, this could be a—he's a former SAS guy. When I heard that piece of information—he didn't tell me the guy's name, but when he told me he was a former SAS guy, a gold trader in Bangkok, I just said Robin Gregson, and this guy just tried to disappear into the woodwork and would not admit that was true.

Chairman MURKOWSKI. But it didn't make any difference——

Mr. COYNE. It didn't make any difference to me.

Chairman MURKOWSKI [continuing]. The fact that you suddenly found out he was the same person, but did Obassy have a presence

as Obassy, separate from Gregson, to your knowledge, when you——

Mr. COYNE. Well, I am sure in the process of his nefarious schemes in Bangkok, he was known by quite a few aliases. I mean when I found out that it was Gregson, though, I was very distressed that Major Smith had been misled by this guy. But Major Smith knows my feelings about Obassy/Gregson.

Chairman MURKOWSKI. Gentlemen. Mr. Bilirakis, or Representative Bilirakis.

Mr. BILIRAKIS. Well, I don't know that I have very much, Mr. Chairman.

Mr. Coyne, you served in Vietnam?

Mr. COYNE. Yes, sir.

Mr. BILIRAKIS. For how long?

Mr. COYNE. Eighteen months.

Mr. BILIRAKIS. Eighteen months? And you joined Soldier of Fortune when, in 1980, 1981?

Mr. COYNE. 1980. I was in Afganistan covering the war there for Life magazine at that time and, when I came out, I went with Soldier of Fortune magazine until 1984. And, as a foreign correspondent, I covered virtually everywhere.

Mr. BILIRAKIS. In your testimony, your prepared testimony here, you said you met Major Smith on March 5, 1982, in Bangkok. You were both participating in a joint Thai-United States parachute jump in southern Thailand?

Mr. COYNE. Yes.

Mr. BILIRAKIS. You were doing that, what, as a foreign correspondent?

Mr. COYNE. I was a civilian.

Mr. BILIRAKIS. As a civilian.

Mr. COYNE. The Thais have a program called mitropop jumps, meaning "friendship" in Thai, and after 1976, when U.S. Forces pulled out of Thailand, mitropop jumps were discontinued. Mitropop jumps were virtually anyone who wanted to jump could go jump. The Thais would provide the aircraft, the parachutes. The jump would take place sort of as a spectacle and the proceeds—they would sell tickets to these and go and jump in a rural community. The tickets would be used to build a school. So it was seen as a civic action project initiated by the military early, and it was very successful. Some 200 grade schools have been built in Thailand as a result of these exhibition jumps.

So this was the first one since they were discontinued in 1976, and Major Smith and a contingent of SFDK came down to jump, also.

Mr. BILIRAKIS. I see. Well, now, the exercises that Major Smith referred to, he mentioned them to us before in prior hearings and also talked about it today. Were you—did you look into that particular exercise, the exercise where he maintains that actually it was, I guess—I mean, basically I am interpreting his allegation that it was intended to be a part of this effort to locate MIA/POWs.

Mr. COYNE. Well, I was aware that they were in fact training Thai special forces and pretty much what they said they were training them for.

Mr. BILIRAKIS. What is your opinion about all that? What was the——

Mr. COYNE. The aborted mission into Laos, I still have not heard a consistent story regarding the aborted mission into Laos. The first time I heard the story, they took off from Pitsnoluk, the mission was aborted in the air. Then I heard again that they took off from Laperi, the mission was aborted on the ground. I read in some of the material provided today that the mission again is referred to by Major Grimshaw as being called off in the air.

In short, there were a lot of inconsistencies regarding this particular mission that I found disturbing. And I confronted Major Smith and Sergeant McIntire with that when I felt those inconsistencies and it has never really been satisfactorily resolved.

Mr. BILIRAKIS. Did you—do you have personal knowledge, at least satisfactory to you, that our government may have assigned military personnel toward this objective of locating MIA/POW's?

Mr. COYNE. Oh, I certainly hope so. If they haven't—if you are asking whether or not they assigned Major Smith and SFDK with that intelligence task, I have no real way of knowing other than what has been provided to you. I know that Special Forces is routinely always given intelligence-gathering tasks, as is virtually everyone overseas, to report information.

I don't find it odd at all that SFDK, or any other special forces unit, would be, if not required, would certainly be welcome to provide intelligence data.

Mr. BILIRAKIS. Do you believe that Obassy was here in Washington, DC, a few days ago planning to testify before this committee?

Mr. COYNE. Gee, that is one of those my-opinion-is-as-good-as-yours.

Mr. BILIRAKIS. Yes, of course.

Mr. COYNE. Well, I guess he was, yes, they say he was.

Mr. BILIRAKIS. Except that you know the man——

Mr. COYNE. I know the man. My feeling is this: The guy has got problems. You know what I mean? He has problems with his credibility. Were he to get up before anyone, there are some real things that you could throw his way that he is going to have difficulty establishing his credibility. But, no matter who it is, Jack the Ripper got up here with a film of POWs that looked authentic, it wouldn't matter that he is Jack the Ripper.

So in that sense I agree with Major Smith and McIntire that, you know, we will listen to anybody. But the fact that he has continuously let them down and they have let us down leads me to believe that he is a fraud.

Mr. BILIRAKIS. Do you—just a couple more quick questions.

What credibility do you place on the testimony of Major Smith and Sergeant McIntire? Are they sincere or are they—are they in the category of this group that you referred to here as charlatans, et cetera——

Mr. COYNE. No, they are not in——

Mr. BILIRAKIS [continuing]. Or are they—they are not in that category.

Mr. COYNE. They are not in Gregson's category whatsoever. And, you know, Major Smith is a hero. I mean, Major Smith went through an awful lot of things. He is a hero.

They have credibility. My problem is that they—is the methodology that they used to arrive at their conclusions does not support to me anything like evidence regarding POWs. That it convinces them is not in question to me. I believe that they believe it. It is just that I don't believe it.

Mr. BILIRAKIS. OK. The two categories of believers, I guess, that you refer to are nonbelievers. Are you in the category of "there just isn't sufficient evidence" and therefore you do not believe that there are——

Mr. COYNE. No, I am certified confused on this issue. I have no idea what the truth may be. And that is really—you know, the sad thing about the issue—I mean, one would assume that it would be within the power of Congress to be able to reach a determination; with the collective power that you gentlemen represent, you would think that you would be able to get someone to tell you the truth. And I guess I am just naive regarding Washington as to the capabilities of people to——

Mr. BILIRAKIS. And this is why, of course, I—you know, I certainly agree with the Chairman and your comments about closed hearings, and yet, on the other hand, if you don't seem to be getting what you think might be there in an open hearing, then don't we have the responsibility, certainly to the military—I mean, you talked about you or your children fighting the next war and that sort of thing——

Mr. COYNE. Absolutely.

Mr. BILIRAKIS. We have an obligation to get it somehow, isn't that true?

Mr. COYNE. If that is what it takes.

Mr. BILIRAKIS. Regardless of what it takes.

Mr. COYNE. Anything that it takes, as far as I am concerned, whatever it takes to come to a conclusion. If somebody doesn't want to talk unless it is in a closed hearing, I guess you are left with no alternative.

Mr. BILIRAKIS. Well, I think that the Chairman opened up the door to you, sir; you and others. Do you have any suggestions or any ideas on what we can do, other areas we can look into? We certainly want to do so. But also we want to earn the credibility, if you will, and the confidence of witnesses such as Major Smith and Sergeant McIntire.

And those were basically the points I was going to try to make to them in a closed room.

Mr. COYNE. Again, you know, before this—you have had the right people before this committee, by and large. You have had General Perroots, you have had Richard Armitage, you have had General Tighe, I believe. These are the people who should know. If there is some way—if they haven't come out with this statement or if there is some way for them not to be pinned down exactly that this is true, I don't know what to tell you. I have no idea how you would go about eliciting information like that.

Mr. BILIRAKIS. Thank you, Mr. Coyne.

Thank you, Mr. Chairman.

Chairman MURKOWSKI Mr. McEwen.

Mr. MCEWEN. Thank you, Mr. Chairman. And thank you for testifying.

I am very fearful that this videotape has been a red herring across the path that has hindered progress that we may have been making in other areas. And so leaving that aside for a moment; did you have any encounters with people that had any first-hand knowledge of prisoners of war being held captive during your personal experiences?

Mr. COYNE. I met an awful lot of people who said that they did. Some of the information seemed reliable insofar as prisoners of war were traditionally held in that area; for instance, Sam Nui Province up in northern Laos. But that type of information was relatively easy to obtain.

Mr. MCEWEN. Do you know—have you ever heard of a Maj. Walter Moon or Lance Peter John?

Mr. COYNE. Yes. Captain Moon, who was Special Forces, he was captured in Laos in, I believe, 1961. I can't be sure exactly what the date was.

Mr. MCEWEN. Were they ever identified as POWs?

Mr. COYNE. I was given a surrender document, which I have but I don't have it with me today, which is Captain Moon's surrender document. He was captured at that time—Wilbur Garrett, I believe, from National Geographic magazine, was with Captain Moon when they were ambushed in Laos. Captain Moon's surrender document, which is a Lao—Pathet Lao document, which indicates—has his photograph on it, his date of capture, where he signed this document, et cetera, et cetera, I have—there is a period of 29 days from the date of his capture to the date that he signs this document that I have.

The Pathet Lao maintain--and virtually everyone who knew Walter Moon maintains—that he was such a hard-ass, if you pardon my French, that it is very likely that he just was executed by the Pathet Lao for resisting.

Mr. MCEWEN. You have seen no information in recent years, 1981-84 time frame, that he was still alive.

Mr. COYNE. When Bo Gritz was over there, he had a lawyer up in NKP who also—he is the man actually who provided the document to me.

Mr. MCEWEN. Bo Gritz did?

Mr. COYNE. No.

Mr. MCEWEN. The lawyer.

Mr. COYNE. Bo Gritz' Thai lawyer in NKP. This is after Bo had left the country.

Gritz' lawyer up there also maintained that he had access to 200 or so of these surrender documents, capture documents, but I did not see them. I believe Gritz had one of these documents, also.

Mr. MCEWEN. Have you ever heard of a location called Namayot?

Mr. COYNE. No.

Mr. MCEWEN. All right, fine. Do you know what part General Tuttle may have played in this issue during the early 1980's?

Mr. COYNE. General Tuttle?

Mr. MCEWEN. Yes. Ed Tuttle.

Mr. COYNE. No, I don't.

Mr. MCEWEN. One final question.

You made reference to Mr. Gritz. Do you feel that he might have information that could be helpful to the Committee?

Mr. COYNE. I have no way of—I haven't talked to Bo Gritz other than when he just appeared here. Bo Gritz is an activist in this issue. He has access to a lot of information.

Anybody that has any information I believe should—you might as well talk to, rather—you know.

Mr. MCEWEN. All right. Just one final observation.

Mr. COYNE. I wouldn't not talk to him, is what I am saying.

Mr. MCEWEN. As I understand this Gregson fellow, says that he has a tape. He then sends emissaries to Congressman Hendon and says that if you give us some money, you can see it. Hendon says, I won't give you any money unless you show it to me first. He says, well, I'm not going to come show it to you; you've got to show up on my door step in Singapore. And you can say that to most members of Congress and that would be the end of it, but Billy Hendon shows up on his door step in Singapore and says, let me see the tape.

So then he starts to show him the tape and at the end of the tape there are no Americans there. Well, where are the Americans? Gregson says they're someplace else. We took them out.

Hendon, how do we get to see them? Gregson, we would have to show it in an open forum in front of everyone.

So then the Congress says, all right, we'll show it to you. And then this poor Smith and McIntire, spend their money and cart special television sets around and go through all this effort. The day comes that he's supposed to show it and claims, "I saw my name in the paper 2 weeks ago, so I can't show it."

There ought to come a time eventually when logical, intelligent people say, if you've got a tape, then somebody in the world ought to see it besides you; and if you don't have a tape, then we ought to all be able to throw our hands up and say, get out of the way and let us go on to something else. Because there may possibly be some Americans being held there and people like you getting in the way offend me, I'll tell you that. And I'm just saying that to Mr. Obassy——

Mr. COYNE. It has been mentioned to me by some people that if they knew where Robin Gregson was and where that tape was, they would just go get it, whether he wanted them to have it or not.

Now——

Mr. MCEWEN. That is a very good point. If they were going to be held up in front of nationwide television for contempt and ridicule by the entire Congress of the United States and all the American people, then I would say—I would turn to their good friend, Mr. whoever, and say, "Brother, you've strung us out for the last time. Now either put up or shut up, or you're the liar that you appear to be to a lot of people." That would seem logical to me, but maybe I am just a southern Ohio farmboy. [Laughter.]

Mr. COYNE. That would be my reaction.

Mr. MCEWEN. Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you, Representative McEwen.

As you know, gentlemen, we do have a subpoena out for Obassy/Gregson. We have no idea what his intention will be. He is not a

citizen of the United States, but we do have the authority to subpoena him.

But I certainly agree that there has been an awful lot of energy and time consumed on the alleged film, for obvious reasons. It appeared to be so significant, so sensational, in the view of some thirty some-odd alleged Americans in chains in a goldmine in Southeast Asia or a forest, and the fact that we continue to get misinformation or nothing concrete leaves us in a void. You know, you have heard the allegations that perhaps the film may have been burned, or not that film but perhaps something else, and one has to wonder the merits of the $4.2 million or the communication covering the delivery of the film and so forth and so on, and there have been trips taken to Southeast Asia by people who have been very diligent in hoping that something will come: They can see the film, they can bring something back. Somebody paid for those trips. Obviously, the intent to reach a conclusion here is a very real one and a very genuine one, and it is certainly discouraging when we continually come to a circumstance where we can't come up with anything tangible.

I do appreciate your testimony, Mr. Coyne. I think it is a fair one, it evaluates the dilemma in the sense of the frustration on the issue. You are perfectly free, and I would value any suggestions you would care to make to this Committee. The record will be open for a week on a new direction.

While I am sure my colleagues aren't about to abandon the film, we have to move on and see if there is anything else, and we have had some indication of material today that we will follow up on, but I think your point of view has been certainly a fair one and a valuable one in the development of our record.

Thank you. I wish you a good day.

Gentlemen, we will hold another hearing at a date yet to be announced, and I promise you that we will have a larger room. [Laughter.]

Chairman MURKOWSKI. Thank you very much.

[Whereupon, at 1:12 p.m., the hearing was recessed.]

"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

TUESDAY, AUGUST 12, 1986

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:36 a.m., in room SR-325, Russell Senate Office Building, Hon. Frank H. Murkowski (chairman of the committee) presiding.

Present: Senators Murkowski, Simpson, Specter, Denton, and DeConcini.

Also present: Senator Zorinsky; Representatives McEwen and Bilirakis.

OPENING STATEMENT OF CHAIRMAN MURKOWSKI

Chairman MURKOWSKI. Thank you and good morning.

This is a continuance of the Senate Committee on Veterans' Affairs, the hearing on live sightings and reports of American servicemen as missing in action in Southeast Asia. This is the seventh in the series of hearings that we have had which were convened to provide a forum for those who may have information relating to the existence of Armed Forces personnel in Southeast subsequent to our involvement in the Vietnam war.

We've heard from a number of these witnesses previously regarding their understanding and their opinions of the issue. Although this committee has been provided with a wide variety of information, unfortunately, up to this point, we have not been provided with information specifically as evidence which, after review by appropriate authorities, would conclusively show that there are still American service personnel being held captive in Southeast Asia.

By no means do I allow this to deter me from my efforts to prove that there indeed may, and we hope there are and continue to believe that there are, Americans remaining in Southeast Asia. We simply have not been provided with evidence to support that final conclusion. We hope to continue to probe to get that information.

The witnesses who have previously come before this committee indicating that they have proof or access to that proof, of course, have that burden of providing to the committee that proof. In spite of the fact that many of our witnesses share the wishes of those of us on the committee that Americans are alive in Southeast Vietnam and Laos, wishing alone is not enough. It is not enough to make that come true.

Mr. Smith and Mr. McIntire last appeared before the committee on July 16 and provided a package containing various papers, maps, xeroxed photos, in support of their case; however, we have not had anything until last evening. Mr. Smith, as he said he would, has furnished the committee with color prints of the xeroxed photographs, and I want to acknowledge Mr. Smith's efforts at furnishing these prints to the committee for defense intelligent analysis.

Most of the information Mr. Smith claimed to have provided the DIA had remained classified and could not be shared with the public previously. After having an opportunity to review the contents, I requested that the package be declassified to the extent possible. I want to thank the Department of Defense and acknowledge them for acting upon our request to have as much of this material as possible made available for public scrutiny.

We have copies of this newly declassified documentation available with us today, and where can that be obtained, Mr. Principi?

Mr. PRINCIPI. We can furnish it after the hearing.

Chairman MURKOWSKI. We can furnish it to those of you who might wish it during or after the hearing.

Today representatives from the Defense Intelligence Agency will address the relevance of that particular package of material. I also intend to have the Defense Intelligence Agencies who have reviewed this evidence explain, page by page, the package of information to which Mr. Smith and Mr. McIntire have indicated would support their claim that Americans are still captive in Southeast Asia.

In keeping with the willingness to the extent possible this committee forum is available to any individual who has information to offer on this subject.

This morning we are first going to hear from Mr. John Nevin and Mr. Thomas Ashworth. However, before we begin the witnesses, I would like to say that it was an honor and a privilege for me to participate in the National League of Families National Convention which was held in Washington last month. I had an opportunity to speak as a guest at the convention, but more importantly, I had the opportunity to speak privately with many of the family members.

I would like to share with you what I learned from that experience and, of course, as in any family organization, there are differing views from the members of the family and, as a father of six children, I can personally attest to that. But most importantly I think a family's purpose is to work together through cooperative means to achieve a purpose that will be in the common interests of the family.

I think it was clear that the best interests of the League of Families is to have as many of their missing family members accounted for and returned home. Although I heard a genuine difference of opinion on certain issues, including the way to proceed with regard to the prisoners of war, I also heard overwhelming support for the efforts of the League's leadership in its actions to resolve these different issues. The vast majority of the family members are focused on the necessity to maintain and improve a close working relationship with the Vietnamese and the Laos Governments in order to

locate and repatriate the remains of their loved ones. They expressed concerns to me that dissention from time to time among the League would impede this progress.

So I would simply urge the family members with differing points of view to express those views, but to do so in the context of your organization, your family. I truly believe that this is the way your voice will best be heard and represented as we try to work as a nation to resolve this very troubling issue.

I would like to call on my colleague, Senator Simpson, who is with us this morning.

OPENING STATEMENT OF SENATOR SIMPSON

Senator SIMPSON. Good morning, Mr. Chairman.

Chairman MURKOWSKI. We look forward to your statement.

Senator SIMPSON. Well, Mr. Chairman, it is not a statement, really, just a comment or two. And I want to thank you again for what you are doing and express my appreciation of your time and your efforts and your sincerity and, for heaven's sake, your awesome patience which far outmatches mine on this issue of existence and location and identity of those missing in action in Southeast Asia. This is the seventh hearing that you have conducted, open hearings, and I have been to some.

I must repeat that I am still waiting, many are, and most anxious to see the evidence we had hoped would be presented long ago. My frustration was capped by my last commentary at the last hearing. You might have noted that. I certainly recall it. Major Smith, wherever he is—he is still there, yes. Well, I am not going to meet him in the parking lot. I have had enough of that when I used to duke it out in there when I was 18, but no more. I am anxious to visit with him, and I will. I am going to try to contact him. May see him today and see if we can't sit down, because the issue is very simple: Somebody knows, has the evidence, where these people are, alive, and now share it with us. Well, for God's sake, share it with somebody, because every day that goes by, and they are not addressed and dealt with and cared for and nurtured and rescued, or whatever it is that we would do, or negotiated for, is not this committee's responsibility.

Those are my feelings and they are very strong feelings. If they are there and we are not able to deal with it, that is not this committee's fault. It is a tiresome litany of guff to pretend that this committee is not doing its job when we are not presented with the evidence that would allow us to do our job. If you don't want to give it to us and this fine chairman, Senator Murkowski, or the House Members or Bob, or whoever, give it to somebody. But let's not have this marvelous gimmickry and hearsay and holding out hope when it isn't there. If it is the truth, let's have it. If it is just some contrived thing for reasons I don't even have any knowledge of anymore—might be, you know, as crass as money, who knows, that happens in the world. But, I tell you, everybody is entitled to their own opinions in this one, but nobody is entitled to their own facts.

So I don't want to hear any more about this committee not interested in getting at the truth. That is the laugher of the century.

And to read that we are going to receive this information and it is critical and that somebody really cares about those people, and yet they don't care enough, cough it up.

So I am very interested in continuing to listen and I hope that this committee can respond, but we sure can't respond with what material has been presented to us at this time. We do care. We are not boobs. We search for the answers, and I say to those who say they have the answers, how about getting them to us? It is a cruel hoax to go on with it any further. Why not put the cards face up on the table and play the game. That is what I am waiting for.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you, Senator Simpson.

Our next statement will be from Senator DeConcini.

OPENING STATEMENT OF SENATOR DeCONCINI

Senator DECONCINI. Mr. Chairman, thank you very much, and members of the committee.

This is the seventh of a series of hearings and we are once again in hearings in which we are attempting to ascertain the status of the brave men and women missing in action in Southeast Asia. It is an issue that threatens to tear apart the fabric of our society, in my judgment. I don't mean to overemphasize anything, but it has deep roots and affects many people, even those who are not related to the missing in action and former POW's or those still POW's.

Without complete disclosure, as the Senator from Wyoming points out, it is impossible for us to make any judgments. Let me urge the Senator from Wyoming to visit with Major Smith. You may have some hangups, and I may have some hangups and the Senator from Wyoming may have some hangups, but these people are honest people who have a belief that some material was available and that they saw some, and maybe the Senator from Wyoming will learn something by sitting with Major Smith. Maybe he won't. Maybe he will conclude that he is a goof and a kook, but I don't think so, and I think the problem needs to be addressed by individual members here and I am glad that Major Smith is back with McIntire and others.

I am aware that we are not all of the same persuasion on this committee. Despite the varied backgrounds of witnesses, despite the sometimes disappointing lack of hard evidence, this Senator has an open mind and a commitment to a resolution. There are too many unanswered questions that must be answered, but I also know that we are all committed to a full accounting, and I think that is demonstrated by the chairman in inviting these two first lead witnesses that he met at the League of Families meeting who I understand approached him and had some difference of opinion, and he immediately extended an invitation, and I compliment him for that.

Mr. Chairman, more important, the witnesses have traveled to Washington, most of them at their own expense. The family members have been required to suffer pain and emotional stress and agony in recounting these experiences time and time again. I can't adequately express my gratitude to the brave sons, daughters, wives, fathers, and mothers who participate in this.

We also must note that many of our witnesses have sacrificed careers and personal reputations in order to come before the committee and testify over the last many months. They have been variously labeled as crazy, as lunatics, as con men, as gamblers, as self-interested people, and yet almost every one of them, to me, had more than a thread of valid information, certainly information that needed to be pursued.

We have heard from a Medal of Honor recipient, retired military personnel, professionals from every walk of life, personnel of the highest grade in our military, and numerous family members. The common theme is a plea which we cannot and we must not ignore: The truth must be found, and the closest we can come to it is through this committee at this time, in my judgment.

The members of this committee have a responsibility that is awesome, a responsibility that demands our total and complete dedication, one which will match the endurance of the family members and friends of the MIAs. Anything less is unconscionable and history will record it as deficient. We must meet the challenge.

So, Mr. Chairman, at this time we need the complete cooperation and candor of the witnesses and anyone else who may have information. They share this awesome responsibility with us. We will be judged by history in what we do on this matter. Let us not allow bias or partisan issues to divide us as it did during the Vietnam conflict.

I will end by a note which we should all heed: Those who do not learn from the lessons of history are doomed to repeat them.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you, Senator DeConcini.

[Applause.]

Chairman MURKOWSKI. I would call on my colleague from the House who traveled with us to Vietnam, Representative Bob McEwen.

OPENING STATEMENT OF REPRESENTATIVE McEWEN

Mr. MCEWEN. Thank you, Mr. Chairman.

I understand that I am here at the courtesy of you as the chairman and also the members of the committee, for which I am most grateful. I do have an ongoing concern and interest in this area as a member of the committee and the House, and just wish to take this opportunity to again express my gratitude to the members for the opportunity to participate.

Thank you.

Senator DECONCINI. Mr. Chairman?

Chairman MURKOWSKI. Yes.

Senator DECONCINI. Mr. Chairman, I failed to advise the chairman that I, on my own, unilaterally, asked the Senator from Nebraska to join us. He has a long interest in veterans' affairs, though he doesn't sit on this committee, and when I saw my good friend Ed Zorinsky this morning, I apologize for not mentioning to you he wanted to come and——

Chairman MURKOWSKI. It is always a pleasure to have the Senator from Nebraska, and we wish you a good morning.

Senator Zorinsky, do you have any comments that you would care to make at this time?

OPENING STATEMENT OF SENATOR ZORINSKY

Senator ZORINSKY. I would just like to thank you for your courtesy in extending the invitation to me. I do have a personal interest in MIAs, having practically reared one of the individuals that is a MIA today, and I compliment you for your ongoing concern in pursuit of the facts concerning MIAs and POWs.

Thank you very much again.

Chairman MURKOWSKI. Thank you very much, Senator Zorinsky.

I might also add for the record, in case there is any confusion, we included the Members of the House who journeyed with us to Southeast Asia, to Vietnam and Laos, and that was Representative McEwen and Representative Bilirakis, and they have taken a position on the committee as official/unofficial ad hoc members and participated in the entire hearing process as a consequence of their attendance on that particular trip.

I do want to comment very briefly on the witnesses that we have, Mr. John Nevin, Homecoming II, from Shawnee Mission, KS, and Mr. Thomas Ashworth of Fort Smith, AR.

If you gentlemen would come, we will initiate the oath.

[Whereupon, the witnesses were sworn.]

Chairman MURKOWSKI. Good morning, gentlemen. As you will recall, after the League of Families meeting, a number of representatives met with me and indicated your interest in having an opportunity to present certain information and I was happy to try and arrange for an opportunity, and this was the first opportunity and I am very pleased that you are with us this morning. We look forward to your testimony.

I would like the record to note that you have come here at your own expense, which I think is self evidence of your commitment to the truth and the facts and the necessary followup. I would hope in your testimony that it can dwell for the most on your contention relative to any evidence that you may have that would lead this committee to initiate appropriate action concerning the recovery of Americans being held in Southeast Asia.

I am sure that you have other things that you want to tell us, as well, but, while we know that there has been a lot of ground plowed in the past and probably mistakes made, the main objective of this committee is to try and initiate action that will result in the return of those military personnel.

So with that, you may proceed as you see fit.

Mr. Nevin?

Mr. NEVIN. Well, that is our desire, as well, Mr. Chairman. We appreciate the opportunity to be here.

Mr. Ashworth and I have worked together to be sure that we were not repetitive and I think it will perhaps save time if Mr. Ashworth delivers his opening remarks first.

Chairman MURKOWSKI. Surely.

Mr. NEVIN. However, I would like to ask initially: The primary thrust of the information that we would like to give to you today is focused on the subject of a coverup that we are absolutely con-

vinced is existing on this issue. When I arrived today, I find that my written testimony has been altered. Can you explain that to me, sir, or do you know anything about it?

Chairman MURKOWSKI. No, I just got off an airplane from Alaska 20 minutes ago and I have not seen your——

Mr. NEVIN. Well, perhaps you could confer with counsel and he could explain, because I don't understand.

Chairman MURKOWSKI [continuing]. Written testimony.

Let me first—Mr. Nevin, you are going to make the first statement, or Mr. Ashworth?

Mr. NEVIN. Mr. Ashworth.

Chairman MURKOWSKI. OK. Mr. Ashworth, if you, in your statement, would give us a little background on your role in the military and your interest, rather than read it. I have a summary of your testimony.

I would get back to Mr. Nevin's statement. You indicated that your written statement had been altered.

Mr. NEVIN. Yes, sir, that is correct.

Chairman MURKOWSKI. Well, I don't know what the circumstances are, but I assure you, sir, that your statement will be entered into the record as submitted, and I would like, before the hearing is over, for you to examine that statement and indicate to the chairman whether or not indeed that represents your original written statement.

Is that agreeable?

Mr. NEVIN. Yes, sir, that is agreeable. Is it also customary for the committee to photocopy and distribute that testimony, the testimony submitted for the record?

Chairman MURKOWSKI. It is to the other committee members, yes.

Mr. NEVIN. The item that has been photocopied and distributed here this morning is not my written testimony, so if that error could be corrected so the people could have access to the full.

Chairman MURKOWSKI. We will be happy to do that. I think it would be appropriate to just answer some unanswered questions and ask the staff what the circumstances are concerning the allegation that the testimony had been changed.

Can you, Mr. Principi, as counsel, advise us?

Mr. PRINCIPI. Yes, I would be happy to, Mr. Chairman.

In a conversation I had with Mr. Nevin prior to the hearing relative to the first two pages of his testimony, we had reached a tentative accord that—regarding the subsequent followup letter which was sent to Mr. Nevin regarding the focus of his testimony this morning to focus on live sightings and not to engage in—that there would be no personal attacks against other members of the League of Families, and I was assured by Mr. Nevin and other representatives of the League of Families that that would not in fact take place, that his testimony could in fact cover live sighting reports as well as coverup, and that it was also agreed that his testimony as submitted by him would be made a part of the record and that there would be no changes. The first two pages would not be deleted from his testimony, although he would not orally testify to it.

That was a mistake. It will be corrected by staff and distributed. And I apologize for that inconvenience, Mr. Nevin.

Mr. NEVIN. Well, Mr. Principi, what concerns me perhaps most about this is that this followup letter which attempted very clearly to confine my testimony to a very narrow area, an area far more narrow than that which the chairman himself has indicated is appropriate here, you told me yourself that that was as a result of a phone call from an organization that alleged that they believed that my purpose here was somewhat beyond evidence, and, as a result, you sent this letter that very specifically said that I was to confine my testimony to specific live sighting, with those three words underlined.

Mr. PRINCIPI. Mr. Nevin, I think we both agreed over the telephone that in the past there had been allegations of personal attacks made by you against other members of the League and vice versa, and that the purpose of these hearings——

Mr. NEVIN. We did not agree upon that.

Mr. PRINCIPI [continuing]. Was to receive testimony on live sighting reports and I assured you you could cover the cover-up that you allege took place, as well as live sighting reports, and you were very gracious and acknowledged that fact and agreed to do so.

I don't think there is an issue here. You are free to testify as to both issues.

Mr. NEVIN. Well, that is correct. And I would not have even brought it up had I arrived here this morning and found that the article that was being distributed throughout for everyone's use were in fact my written testimony.

Chairman MURKOWSKI. Well, I would like to make sure that what we expect you to give is the testimony that you want to give, and that will be the official testimony in the record, whether it has been——

Mr. NEVIN. Thank you, Mr. Chairman.

Chairman MURKOWSKI [continuing]. Altered or not. You are free to give whatever you want to give, setting aside the fact that the committee may not have had a chance to read it before.

So you proceed with that and we will make available to anybody that is interested the statement that you indicate has been changed in the first two pages so that everybody can have everything they want.

Mr. NEVIN. Thank you.

Chairman MURKOWSKI. Anything else, Mr. Nevin?

Mr. NEVIN. No, sir, thank you.

Chairman MURKOWSKI. Mr. Ashworth, please proceed.

STATEMENT OF THOMAS ASHWORTH, FORT SMITH, AR

Mr. ASHWORTH. Mr. Chairman, my name is Thomas Ashworth. I am from Fort Smith, AR.

Before I begin, I would like to tell you how much I appreciate your kind offer to come here and the kind words you have said and the fact that you have opened this meeting up to the extent that you have. I truly appreciate it.

Chairman MURKOWSKI. Thank you. Please proceed.

Mr. ASHWORTH. I was a Marine officer during the Vietnam war. I was released from active duty in August 1971. During the Vietnam war, I served in Vietnam as a helicopter pilot, flying missions pri-

marily in Vietnam, although a couple of missions in Laos on a secret operation which was conducted there in a secret war.

At the end of that war, over 580 Americans were missing in Laos. Of that number, nine returned. These nine men had not been held in Laos, but held in North Vietnam. The prisoners who were held in Laos were never negotiated for and they never returned.

Evidence that those prisoners exist includes Pathet Lao statements where they talked about as many as 200 at times behind held there. In my written testimony, I talk about information that was given to me by the CIA's top indigenous operatives in the military region 2, San Neua and Xiengkhouang Provinces. Their information, the information they had given to the CIA in the sixties and the early seventies complemented the Pathet Lao statements. They also believed there were over 200 Americans there, and General Vang Pao had been offered $5 million in reward money if he would conduct a successful rescue operation. None of these men ever came back. They are there now.

Chairman MURKOWSKI. Could you elaborate a little bit? You say "they are there now." I am very interested in that statement.

Mr. ASHWORTH. I can do it now. It would fit in—I will do it now?

Chairman MURKOWSKI. Well, as long as you do it.

Mr. ASHWORTH. OK. At least in 1983 I am totally convinced they were there. The reason being, as covered in my written testimony, I was told at that time by a man who was a long-time CIA indigenous operative, school-trained, a man who worked for the Central Intelligence Agency for many years, told me he would contact some of his old people and see if they hid any current information.

Chairman MURKOWSKI. Can you provide the gentleman's name?

Mr. ASHWORTH. I will provide it in closed hearing.

Chairman MURKOWSKI. Is there any reason?

Mr. ASHWORTH. Yes, there is. 'Cause the Defense Intelligence Agency refused to follow up with the man and, to my knowledge, they don't know his name and I am not particularly interested in giving it to them and causing the man trouble.

Chairman MURKOWSKI. Well, if they didn't have his name, it would be pretty hard for them to followup.

Mr. ASHWORTH. Well, sir, I am glad you brought that up. I would like to explain how this occurred.

I called the Defense Intelligence Agency to tell them about that. I have a tape of the conversation. I talked to Carol Bates at the DIA, the Defense Intelligence Agency. I told her I had contact with a person who had contacts with people in Laos who knew an exact location then, right then. She told me to write them a letter, which I agreed to do. I also told them that I had contacts with people who had contacts with a Communist.

Chairman MURKOWSKI. Can you give those names for the record?

Mr. ASHWORTH. I will give those names in closed—we are talking about people who long-time CIA operatives. I don't want to give their names publicly.

Is that common to do that? If I do, I can give some American CIA names, also.

Chairman MURKOWSKI. Well, if you could give it to the—if you don't want to give it to the committee——

Mr. ASHWORTH. I do want to give it to you——

Chairman MURKOWSKI [continuing]. Give it to the Defense Intelligence Agency or give it to somebody.

Mr. ASHWORTH. I will give it to you in closed session.

Chairman MURKOWSKI. Well, I had hoped we wouldn't have to have any more closed sessions, but you are free, obviously———

Mr. ASHWORTH. OK.

Chairman MURKOWSKI [continuing]. To do whatever you want with the information.

Mr. ASHWORTH. A closed session would take about 15 seconds. If that is———

Chairman MURKOWSKI. Please proceed with your statement.

Mr. ASHWORTH. I don't know how to be more cooperative than that, sir.

Chairman MURKOWSKI. Please proceed.

Mr. ASHWORTH. As I was saying, I told Carol Bates that I had contacts with people who had contacts in Thailand who knew an exact location at that point in time. The people who told me this had been trusted for many, many, many years by the Central Intelligence Agency. The one man had contacts with the Communist.

She asked me to write them a letter, which I said I would do. Two days later I had been unable to get in touch with the man who was the most important one, the one who knew—claimed to know the exact location. I had tried to call him; I couldn't do it. Because I coordinate very closely with these people when I work with them, because in these serious matters, it is not something you just mess with. You try to keep your lines of communication open.

So what I did at that point, I decided to call Carol Bates back and say, "I'm sorry, I'm not playing games, I just can't get the information to you right now until I talk to the man. I'll get it to you as soon as I can." And the Defense Intelligence Agency refused to talk to me at that point. They refused.

I called the man back later which I was able to get in touch———

Senator DECONCINI. Mr. Chairman, could I interrupt?

Who refused in DIA?

Mr. ASHWORTH. Sir, I don't know. The way the call went was this: Operator said there was a collect call for Ms. Carol Bates from Tom Ashworth. The voice at the other end, a woman's voice, said, "We will not accept a call from him."

Senator DECONCINI. You were calling collect to the DIA?

Mr. ASHWORTH. Yes, sir.

Senator DECONCINI. They would not take the call.

Mr. ASHWORTH. They would not, and I had called collect every time that I had called them before. They had asked me to call them collect. I have tapes of it where they accepted the calls. But when I talked about an exact location, they wouldn't talk to me about it again.

Senator DECONCINI. Where were you calling from?

Mr. ASHWORTH. I was calling from Fort Smith, AK.

Senator DECONCINI. Why didn't you just pay the few dollars and get your call in?

Mr. ASHWORTH. Sir, I am not a fool. If the people won't accept a call on something like that that is that serious, they are obviously saying something.

Senator DECONCINI. Maybe so.

Mr. ASHWORTH. Why didn't they call me back?

Senator DECONCINI. How did they know that it was on this subject matter? When you are making a collect call, you do not get to tell them what the subject matter is.

Mr. ASHWORTH. Yes, sir. Two days earlier when I had called, the only subject we had talked about was, one, the exact location of a lot of American prisoners, and, two, possible contacts with the Communist. That is all we talked about, and I would assume—now, that may be an incorrect assumption.

Senator DECONCINI. No, I think that is a fair assumption, that they knew that you wanted to talk about that.

When was that?

Mr. ASHWORTH. I am recalling the date now off the top of my head, the best of my memory, I believe it was October the—the first call was October the 4th, I believe, 1983.

Senator DECONCINI. Thank you.

Mr. ASHWORTH. It was the first Monday in October. The next call was 2 days later.

Senator DECONCINI. Thank you.

Mr. ASHWORTH. Yes, sir.

Chairman MURKOWSKI. Please proceed with your statement.

Mr. ASHWORTH. To be honest with you, I don't know where I am.

Chairman MURKOWSKI. Well, you were communicating——

Mr. ASHWORTH. OK. Anyway, after this was——

Chairman MURKOWSKI [continuing]. With the Defense Intelligence Agency and you said that you had not been able to contact them, and I guess that's where we were.

Mr. ASHWORTH. Yes, sir. So I checked back with my most important source and I explained to him essentially what the situation was and the DIA people would no longer talk to me. And I said, "Will you work directly with them?"

Now, this man is not a dummy. He has worked with intelligence for many years. He said no. That was the end of it.

DIA never got in touch with me and I did not get in touch with them for the next couple years.

Chairman MURKOWSKI. Thank you, Mr. Ashworth.

Mr. ASHWORTH. If I may go on, sir, I was cut off when you asked the question when I was giving my statement.

Chairman MURKOWSKI. Go ahead.

Mr. ASHWORTH. The evidence that I talked about the people being there prior to 1973 was the Pathet Lao statement and this Hmong testimony or these Hmong statements to me. And I want to emphasize that I didn't get this from one person or two persons. I had four people involved that worked with them at very high levels. Some of them didn't know I was working with another one.

Chairman MURKOWSKI. Can you give us their names?

Mr. ASHWORTH. Sir, I will give you the—I have names of 10 Hmong intelligence officers. If it is necessary, I will give you all of them. I would particularly like for you to call all of them and talk to them.

Chairman MURKOWSKI. Would you meet with the Defense Intelligence Agency today if we can arrange it so that you can communicate this information?

Mr. ASHWORTH. I will meet with the Defense Intelligence Agency people. I would like Mark Waple with me.

Chairman MURKOWSKI. Well, that is your choice.

Mr. ASHWORTH. Thank you.

Congressman MCEWEN. I'm sorry, Mr. Chairman, what was his answer?

Chairman MURKOWSKI. He said he would meet if he had counsel with him, Mark Waple.

Mr. ASHWORTH. If I may continue.

Chairman MURKOWSKI. Excuse me. We have a vote on and there are only a few minutes—Senator DeConcini, you have not voted, have you?

Senator DECONCINI. Yes.

Chairman MURKOWSKI. Oh, you voted?

Senator DECONCINI. No, I have not.

Chairman MURKOWSKI. Oh. Well, I think we are going to have to recess the meeting. If you will be kind enough.

[Whereupon, at 10:12 a.m., a recess was held.]

AFTER RECESS

Chairman MURKOWSKI. We will resume the hearing and continue with Mr. Ashworth's testimony.

Mr. ASHWORTH. Sir, one thing that may not be quite clear is how I became involved in this initially, and I think it might be interesting to hear this.

As a former Marine officer who had a strong feeling for the people of Vietnam and Southeast Asia, I was upset at the final outcome there, as were so many people. In 1976 I helped teach a Vietnamese refugee to speak English and my wife and I became very actively involved with them. Later he moved and three Hmong families moved in next door to me. People came in barefoot, totally broke, no English, carrying crossbows, those type people. And in time I spent more than 6,000 hours with these people and their relatives and their friends.

It was only after these many thousands of hours with them, when they reestablished a bond of trust and confidence, that they began to tell me the stories about the Americans who had been left behind. This was not something that came up just overnight. They are very frightened to talk about this, many of them. Some of the CIA operatives have been told in this country to not talk about this information. In the camps in Thailand they have been told that if you talk about knowledge from Laos, you will never get out of these camps.

I know of instances where people went in, after seeing Americans, to a CIA agent at Camp Ban Vinai, Thailand, and saying, "I just saw over 100 Americans." This happened in 1976.

Chairman MURKOWSKI. Can you identify that person that gave you that information?

Mr. ASHWORTH. The person that gave me that information is—let me explain very carefully so there is no confusion—is a man who was a refugee in the camp at the time. I tried to give his name to DIA before, but they wouldn't take it.

Chairman MURKOWSKI. What year was this?

Mr. ASHWORTH. Excuse me?

Chairman MURKOWSKI. Do you recall what year this was?

Mr. ASHWORTH. That I tried to give it to DIA?

Chairman MURKOWSKI. No, that you actually got the word from the individual.

Mr. ASHWORTH. In late 1982 with followup in 1983. I passed the information approximately March 1983 to DIA. And at that time I wanted to give them his name, but they weren't interested.

The man's name is Pau Tung Her, and I don't know where he lives now. He lived near me at one time. He had worked, as I understand it, for the U.S. Aid Program for many years and could speak English pretty well.

Anyway, he told me that he had this friend that came to Camp Ban Vinai in Thailand before he came to the United States in 1976. He said this friend claimed that they had just seen—he had just seen over a hundred Americans up in Sam Neua Province before he escaped.

Chairman MURKOWSKI. When was this?

Mr. ASHWORTH. Say again, sir?

Chairman MURKOWSKI. When was this that they say they saw a hundred Americans up in Sam Neua Province?

Mr. ASHWORTH. In nineteen—in Sam Neua Province in 1975. By 1976 he had made it to the camp in Thailand. At that point in time they went to a man named Jerry Daniels who was the resident CIA operative. I mention his name because he is dead.

Jerry had worked many years in Laos with the secret army. Later worked under, my understanding is, State Department cover at Ban Vinai. He approved the Hmong who were coming into this country, is what they have told me.

When they went in to see him and the man began to—the man who tells me this now was in the room, claims he was in the room. He says, "My friend started to tell him that he had just seen a hundred Americans" and Jerry said, "Don't talk to me about the American prisoners, it gives me a headache. Don't you ever talk to me about them again."

Chairman MURKOWSKI. Who is Jerry?

Mr. ASHWORTH. Jerry Daniels, the CIA agent. He is also the man that Scott Barnes calls Mike Baldwin.

Chairman MURKOWSKI. Do you know the whereabouts of Jerry Daniels currently?

Mr. ASHWORTH. He is supposed to be ' uried in Montana.

Chairman MURKOWSKI. So he is deceased.

Mr. ASHWORTH. That is correct.

Chairman MURKOWSKI. As you indicated. Please proceed.

Mr. ASHWORTH. I have later statements, also first-hand accounts, of Jerry telling people to not talk about that.

After that point in time, the word went out in those camps that you don't talk about anything from Laos, and if you do, you will not get out of the camp, you will not be permitted to immigrate.

Chairman MURKOWSKI. Do you know where that word came from?

Mr. ASHWORTH. All I know is is that it is a rumor, that all kinds—I first heard of it from George Brooks, was the first person

that told me about it. I later was told about it by Hmong people in almost the exact same words that Mr. Brooks told me.

Now to regress, though, at the end of the war, I was saying that we had the Pathet Lao statements, we had this information from the Hmong people which apparently had been suppressed. In addition to that, there were many American documents, they are CIA documents, that talk about the exact same locations that the Hmong talk about. They called it a permanent camp, the same as the Hmong call it. The Hmong had told me about an aerial photograph. I found the aerial photograph. Everything they said consistently checked out except the numbers had been downgraded in the CIA information.

The story that Congress has been told is that there were only one or two Americans or very few ever captured and lost. There is no evidence they could have even been on the ground.

Here is an American intelligence report talking only about Laos. "Last known to be alive on the ground, 86."

Chairman MURKOWSKI. What is the date of that, please?

Mr. ASHWORTH. Late 1973, after the war was over.

Chairman MURKOWSKI. Seventy-three.

Mr. ASHWORTH. Yes, sir. "Probably died in captivity, 33." I wonder if those families were ever told that.

An additional nine is listed——

Chairman MURKOWSKI. Is this information that the committee does not have?

Mr. ASHWORTH. Sir, this was in the—how many volumes?

Mr. NEVIN. Fifteen volumes.

Mr. ASHWORTH [continuing]. Fifteen volumes of uncorrelated intelligence information.

List an additional nine as still being captive. That doesn't include the 10 they say were returned. Of course, that 10 included one Canadian.

We also have information from a National Security Agency person, Jerry Mooney, who has talked about them identifying 300 people by name. He said that 60 percent of those people had been captured in Laos.

So the American Government, the American Intelligence Agency, had much, much, much information on that, even from what little information that we have.

Chairman MURKOWSKI. I am advised that the committee has that and the Defense Intelligence Agency also has that, and we will look forward to their testimony with regard to that particular material.

Please Proceed.

Mr. ASHWORTH. Yes, sir.

At the end of the war, then, none of these people held in Laos ever came back, not one. Not only that, they weren't negotiated for, except in the one instance when Kissinger made a nonbinding verbal agreement or received one from the North Vietnamese to being responsible for the Americans, quote, detained, quote-unquote, in Laos. No American detained in Laos came out at that time. None. Zero.

I have substantial information on the peace negotiations and how they were conducted and how this fits together, if sometime somebody would like to read some of it.

Then when that was——

Chairman MURKOWSKI. Well, we would—are you offering that for the record?

Mr. ASHWORTH. I would like to clean it up just a little bit. Then I will give it to you for the record, if that is appropriate. Say, in about a week I can give you possibly as much as 200 typewritten pages.

Chairman MURKOWSKI. We would appreciate you giving us whatever you care to give us.

Mr. ASHWORTH. Yes, sir. Thank you.

[The information referred to was not available at time of publication.]

Mr. ASHWORTH. Then in 1973—now, here is an interesting point because when Homecoming ended and the folks didn't come home, even after that point in time, in early April, ranking American officials were still saying they expected people to come back. But nobody came back and our people died at that time, and I know how they died and I think I know when they died. And they died on or about April 11, 1973, and the way they died was this: A man, a very fine man, named Dr. Roger Shields received a telephone call from a superior, and in that call it was said, "The American prisoners in Southeast Asia are dead." And Dr. Shield protested and said, "Wait a minute, now," because he knew of the information and the voice at the other end of the line came back and said, "Dr. Shields, they are dead, I said they are dead. Do you understand?" And from that day to this they have been dead. But they didn't die in the jungles of Southeast Asia. They died in the back rooms here in Washington when cynical politicians made a decision to walk off and leave them.

Chairman MURKOWSKI. Would you repeat that last—"to walk on" what?

Mr. ASHWORTH. I said that the men died not in the jungles of Southeast Asia, but here in the back rooms of Washington when cynical politicians decided to walk off and leave them and abandon them.

If you want to understand a little bit how this occurred, I will give you the mentality involved.

Dr. Henry Kissinger once said—called American servicemen, quote, dumb, stupid animals, quote-unquote, to be used for attainment of American foreign policy objectives.

Chairman MURKOWSKI. Can you provide that quote for the record?

Mr. ASHWORTH. You betcha.

Chairman MURKOWSKI. All right, please do.

Mr. ASHWORTH. And I want to comment on that quote from him.

Chairman MURKOWSKI. I want you to move along with your testimony. I am not going to curtail you at all, but I would like you to make the specific points of what we are looking for. You have given us a good deal of background and we appreciate that and we are looking forward to the additional information.

Again, I am not going to comment because we could belabor the question of what happened back then. I think I speak for my colleagues on our interest in trying to get information that would lead to the release of those that are still there.

Mr. ASHWORTH. Yes, sir, I agree with you.

Chairman MURKOWSKI. So if you can try and funnel your testimony——

Mr. ASHWORTH. Yes, sir.

Chairman MURKOWSKI [continuing]. More in that area.

Mr. ASHWORTH. OK. Because I think we both understand that——

Chairman MURKOWSKI. We want to hear from Mr. Nevin and we have other witnesses that are before us today, and usually a half hour is sufficient for a witness, but we are giving you more time this morning.

Please proceed.

Mr. ASHWORTH. Thank you, sir, I appreciate that. And I am trying the best I can to squeeze three years of research into 30 minutes for you.

Chairman MURKOWSKI. Well, if you can focus in on the living Americans that you are convinced that are in Southeast Asia and how we can reach them.

Mr. ASHWORTH. That is what I am addressing right now, is how we can reach them. Because we have to understand what happened to understand how we can reach them.

And what happened was was when they had this attitude that Americans are expendable, this is the same attitude that General Tighe has talked about that exists here in Washington, and that is the problem. It is not the prisoners. The problem is the coverup.

I have a newsman who worked with me on this who checked some of this out and went to some intelligence sources and then came back and he said, "It's not the prisoners; it's the coverup." That is what has to be addressed and that is what I am trying to address.

But Henry Kissinger made that statement about the dumb, stupid animals. That was at a time when he was working in the White House. That was at a time my friends were dying in Vietnam and they weren't dumb, stupid animals, and heroes like Mr. Denton weren't dumb, stupid animals because they stood so strong and tall for this country, and the Americans that were left behind aren't dumb, stupid animals.

Following 1973, intelligence reports continued to go into the Hmong about Americans held in Military Region 2, but an interesting thing happened. Before that time, they tried to follow up; after that time, there was no more followup. And then we went into the period of time when the CIA agents were saying, "No, don't tell me about this," and only a little bit of information was filtering through.

And then we come to the point of my testimony: All these years I believed in my heart I knew there were no Americans there because my people didn't leave other Americans. I knew it. But I was wrong.

Then when I first heard of this, I still wasn't terribly impressed, but it is covered very I think, adequately in my written testimony and I don't want to belabor the point. I just want to hit a couple of the highlights.

One is General Vang Pao, then not following up with him. The man who ran the whole secret operation over there. A man who

told me in July 1973, "I know a general area now; I knew a specific location last year and I knew a specific location the year before that." He laughed at me when I told him how serious our government was. He said, "I told them many times. Nobody cares."

And then, when I come up with an exact location, DIA breaks contact. That is——

Chairman MURKOWSKI. This location you are referring to is the location back, I gather, in 1983 when you broke off communication with DIA, is that right?

Mr. ASHWORTH. Don't say I broke it off. I didn't, they did.

Chairman MURKOWSKI. Well, in any event, you stopped trying to communicate with them, I think your testimony was.

Mr. ASHWORTH. I stopped trying to communicate with them after they refused to talk to me. I want that clearly in the record.

Chairman MURKOWSKI. It is in the record. And that was in 1983?

Mr. ASHWORTH. That is correct.

Chairman MURKOWSKI. And can you elaborate one more time the specific evidence that you had in 1983 that there were Americans being held in Southeast Asia and can you identify the location?

Mr. ASHWORTH. They were held in Sam Neua Province, I was told. The man who told me this had been a long-time CIA operative. He was not active at that time.

Chairman MURKOWSKI. And you cannot give his name.

Mr. ASHWORTH. I can give his name in closed session.

Chairman MURKOWSKI. Do you have reasons to believe that those individuals are still living today?

Mr. ASHWORTH. Not those particular individuals. I have some information on some others, but not those particular ones.

Chairman MURKOWSKI. Would you give that to the Committee?

Mr. ASHWORTH. I have information on a couple people and they are known hit that is relatively recent.

Chairman MURKOWSKI. Please proceed.

Mr. ASHWORTH. But that comes—this is something that gets real sensitive because this comes from an American CIA operative.

Chairman MURKOWSKI. Well, are you going to——

Mr. ASHWORTH. I want to continue, though. You asked me about the Sam Neua——

Chairman MURKOWSKI. Well, I would like to focus in on the current status, because you made a statement that you had information relatively new on a couple of Americans. Why don't you give us that?

Mr. ASHWORTH. I will sit down—I will tell you the reason I am very leery about giving things to you, like the specific names of, say, American CIA operatives. Names have been leaked from this committee before, and I am really concerned about these people. They are good Americans who care about other Americans.

Chairman MURKOWSKI. This Committee is trying to maintain a public hearing.

Mr. ASHWORTH. Yes, sir.

Chairman MURKOWSKI. And we are either going to maintain a public hearing or we are not, and I would urge you to be as candid as you feel comfortable. If you have some information and you won't tell us or feel uncomfortable, then we will arrange for the

Defense Intelligence Agency to be available to you and you can go in and tell them. But what we are trying to get at is——

Mr. ASHWORTH. Yes, sir.

Chairman MURKOWSKI [continuing]. Communication. So please focus in——

Mr. ASHWORTH. I will tell Senator DeConcini. He, I believe, can keep the secret and he can check it out for me.

Senator DECONCINI. Well, Mr. Chairman——

Chairman MURKOWSKI. Senator DeConcini.

Senator DECONCINI [continuing]. I appreciate the confidence the witness expresses, but I think it is important for the witnesses to realize that the committee, if we are going to do anything, and hopefully we will in some fashion, I am not sure what, but hopefully we will, we have to have the information.

Now, what is the problem of giving this name? Are they physically in danger of somebody doing something to them?

Mr. ASHWORTH. I would say that is quite possibly so.

Senator DECONCINI. By whom?

Mr. ASHWORTH. By our own people.

Senator DECONCINI. By whom is our own people?

Mr. ASHWORTH. The Central Intelligence Agency.

Senator DECONCINI. That they would take physical action to eliminate them if their name was disclosed here?

Mr. ASHWORTH. Sir, I have had people tell me that if you say what I said, I will be killed. I have had people tell me that.

Senator DECONCINI. Who has told you that?

Mr. ASHWORTH. You want me to give you their names? [Laughter.]

Senator DECONCINI. Yes. That is a very important——

Mr. ASHWORTH. I understand that, but——

Senator DECONCINI [continuing]. And somebody should be called to respond to that, Mr. Ashworth, because that is wrong for anybody to say that to you. And if you give me a name, I will ask them. I will ask Mr. Casey; I will try to find that person, and maybe they will deny it, but I will ask them to—ask the committee to have them come here and swear under oath that they did not tell you that.

Those things are serious charges about someone.

Mr. ASHWORTH. Yes, sir. Let me——

Senator DECONCINI. If you leave them hanging out here, what good are they for anybody?

Mr. ASHWORTH. OK, let's compromise.

Senator DECONCINI. Except for the cloud that continues to pervade over this thing. And if we want to eliminate that cloud and see sunshine, we have to have those names so we can say, "Why did you say that to Mr. Ashworth?" First, "Did you say it?"

Mr. ASHWORTH. Well, this particular—the CIA is not what I am talking about that said this.

But let me tell you, let's see if we can compromise and work something out on this. What if I give you the names of several CIA agents and then you call all of them in? That way the man will be protected and you can get your information.

Chairman MURKOWSKI. What we are willing to do, Mr. Ashworth, is we are willing to sit down with you and the Defense Intel-

ligence Agency, if you wish it that way, and impart the particular names that you have.

Because, with all due respect, gentlemen, I think we are going to have to move along. You have a problem with the names, and I understand that, and that is your privilege. I do want you to conclude your testimony so we can move on with Mr. Nevin.

Again, I would urge you, Mr. Ashworth, to focus in on living Americans today, those that you are convinced are there. Tell us where they are, whatever information you can elaborate.

Mr. ASHWORTH. This chart, I am told, came from somewhere in the Defense Intelligence Agency. I don't know that; you'd have to check this out. And these are locations of live sightings after 1975, I am told. These are the locations, or one of them, that I tried to tell the Defense Intelligence Agency about. I was told that there were satellite photographs of this location in Sam Neua in 1983 that showed American prisoners. That was information that came from Col. Mark Richards.

Now, there is a specific name, Colonel Mark Richards. And I testified under oath about him. I think it would be interesting for him to testify under oath.

Chairman MURKOWSKI. How old are those—is that chart?

Mr. ASHWORTH. I don't know, sir. I just received that and they said that was the information that DIA had post-1975. And it includes the same areas that I am talking about and the information that the Hmong people gave me from that location.

Senator DENTON. Would the chairman yield for a question?

Chairman MURKOWSKI. Yes.

Senator DENTON. Mr. Ashworth, is there anything else you can say about that chart? Do you have correlations between the marks made on that chart and sightings——

Mr. ASHWORTH. Yes, sir.

Senator DENTON [continuing]. Which this Colonel could testify further to or confirm in any way?

Mr. ASHWORTH. Let me explain. This chart, I understand, comes from something they call—some representative had called the measles mouth, or something like that. He said if you will look at the map the intelligence people have of the sightings, it is just like measles. They are all over the map.

And the interesting thing is is that three of the sightings here in Sam Neua are from the exact same location I talked about.

Chairman MURKOWSKI. I am reluctant to open it up for questions simply because of my insistence on moving on so we can have questions.

So would you conclude your testimony, Mr. Ashworth.

Mr. ASHWORTH. Yes, sir. I just think when you look at the evidence from all sources, the evidence that they were there is overwhelming, the evidence that they remain there is overwhelming, the evidence that they are there now is overwhelming.

Chairman MURKOWSKI. Well, I guess we need to focus in on that specific contention, and I am still looking for that evidence.

Mr. ASHWORTH. OK. What I——

Chairman MURKOWSKI. Perhaps we will be able to pursue it, as you suggested, with the DIA and——

Mr. ASHWORTH. What I am saying is in 1983 I knew possibly an exact location, claimed to be, in 1983, with a lot of Americans. I am saying I tried to pass that to the Defense Intelligence Agency. I made a good-conscience effort to do that. I am saying it was not followed up on. I am saying it was not my fault that it wasn't followed up on.

Chairman MURKOWSKI. Mr. Ashworth, we are interested in you providing that information to this committee today. Will you do that?

Mr. ASHWORTH. What information?

Chairman MURKOWSKI. The information you just referred to that you had in 1983 that you attempted to pass on to the Defense Intelligence Agency.

Mr. ASHWORTH. I just gave it to you.

Chairman MURKOWSKI. Well, you indicated that you could not give us the names so that we could follow up unless we go into closed session.

Mr. ASHWORTH. No, sir. Please. I have said to you I will give you the names, but I won't do it publicly.

Chairman MURKOWSKI. All right, thank you.

Mr. Nevin?

[The prepared statement of Mr. Ashworth appears on p. 271.]

STATEMENT OF JOHN M. NEVIN, HOMECOMING II, SHAWNEE MISSION, KS

Mr. NEVIN. Thank you, Mr. Chairman, members of the committee. I am pleased to be here at the invitation of the committee and I would like to agree with some of the remarks of the distinguished Senator from Wyoming, Mr. Simpson, when he expressed skepticism as to whether this committee should be continuing to attempt to investigate this matter at all. I believe that your effort to do so is substantially flawed and it is flawed by procedural matters, not by your purpose, not by your intent, not by your desire. And I will be happy to talk about some of those things in a few moments, if you would like.

You are not the first committee of this Congress to investigate this matter. You are the third one to make such an attempt. In 1975 and 1976, the House Select Committee on Missing Persons in Southeast Asia, which is better known as the Montgomery Commission, was chartered to find the truth of the prisoner of war issue, but they were thwarted at every turn by gross misrepresentations of fact to which they were subjected by officials of the Administration.

Unfortunately, observing some of the early sessions of these hearings, many of the POW/MIA family members have reported to me that they have experienced a sense of deja-vu. They see the same problems happening again.

I am prepared to demonstrate to you that the Montgomery Commission was lied to by U.S. Government officials in 1975 and 1976, and I am also prepared to demonstrate to you that this committee has had the truth withheld from it by Reagan Administration officials in 1986.

Henry Kissinger lied. He didn't misstate, didn't color the facts, he lied in testimony given to a committee of this Congress. Our present Ambassador to the United Nations, Mr. Vernon Walters, lied, and I am prepared to prove it, in his testimony to a committee of this Congress.

Assistant Secretary of Defense Armitage and Ambassador Paul Wolfowitz, who was at the time of his testimony Assistant Secretary of State, presented themselves to you as friendly witnesses, congratulated you for your effort to look into this issue, welcomed your effort, and then withheld information from you when they knew you wanted it, and I can prove it.

Gentlemen, there is a coverup. If you fail to take advantage of this opportunity to expose it, you will become a part of that coverup. If you are prepared to act, we are prepared to help you, but we can't do it alone. And you can't do it alone, either.

That concludes my prepared remarks.

[The prepared statement of Mr. Nevin appears on p. 279.]

Senator DECONCINI. Mr. Chairman?

Chairman MURKOWSKI. Excuse me, Senator DeConcini, I have before me a statement by, I assume it is by you, and I would appreciate you examining it to determine if this is the full statement that you wish to have inserted in the record. It is dated August 5. Would you examine the statement and make sure that that is the statement?

[Pause.]

Mr. NEVIN. Just one question, Mr. Chairman. If this statement is accepted for the record, that does not preclude remarks I have just made or those that I will make in the future from being part of the permanent record?

Chairman MURKOWSKI. That is correct.

Mr. NEVIN. That is my written statement.

Chairman MURKOWSKI. Thank you. I am interested in your offer to provide proof. Would you proceed?

Mr. NEVIN. Yes. sir.

The information that I am about to give you represents hundreds of hours of research, perhaps thousands, but I do not present myself to you as an expert in any way. What I am going to give you can be documented from U.S. Government documents, what I am going to give you now. And the statements to which—first I would like to talk about the remarks made by—in testimony, by Ambassador Vernon Walters, when he represented the U.S. intelligence community in place of then CIA Director, George Bush before the Montgomery Commission.

Chairman MURKOWSKI. Will this, I hope, lead us up to information relative to those that are being held in Southeast Asia today?

Mr. NEVIN. Mr. Chairman, there are two separate issues here, and one is whether or not there are living American prisoners of war in Southeast Asia today, and that evidence is in the possession of the U.S. Government. And if you can't get it from them, I certainly can't get it from them.

The second question is whether or not the U.S. Government has been forthcoming with the public and even with you, our elected representatives.

Chairman MURKOWSKI. It is your contention, then, that the Government has this information and you are indicating to the committee that you do not have proof or evidence that there are Americans being held against their will?

Mr. NEVIN. I have reams and reams of evidence. Proof is a totally different question. I believe that I can prove to any court in the United States, that I could get a unanimous verdict from 12 men fair, good and true that there are men there. But it can't be done in 20 or 30 minutes and it can't be done in seven or eight sessions of a committee like this. It is a time-honored principle that in order to get the truth from a witness, the cross-examiner must have great knowledge himself, and you gentlemen have too many things on your plate. You can't know the background you have to know to effectively cross-examine these witnesses that try to give you information that is not accurate.

Chairman MURKOWSKI. I would encourage you to submit what evidence you claim to have for the record. I assure you it will be examined thoroughly.

Mr. NEVIN. I have no evidence that is not already in the possession of the U.S. Government.

Chairman MURKOWSKI. All right.

Senator DECONCINI. Mr. Chairman?

Chairman MURKOWSKI. Senator DeConcini?

Senator DECONCINI. Mr. Nevin, I can't argue with what evidence you have and what you don't, but this is all there is, you know? It may not be the greatest. We are not the FBI or the Florida State Police, or someone who has expert intelligence. We are not a grand jury. We have the right to subpoena. But we are elected representatives. So if you don't tell us what you have, except a general statement that it is in the hands of our Government, that is like saying, "Hey, forget it, Senator." Because all I can do is ask our Government to give me that information. If they don't do it, I can't force them to come up with it. So if you come up with it and say, "Now, here it is, here is where Mr. Childress and Mr. Armitage lied," and lay it out for me, and I know it is very difficult for you to do that perhaps, because, you know, I should be smart enough to know all this.

Mr. NEVIN. No, no, no. My evidence, when I say they lied, I am going to take their statements and I am going to take where it absolutely contradicts the truth. And I can show that. It is not your understanding.

Senator DECONCINI. Why don't you do that?

Mr. NEVIN. Well, I am prepared to do that, but the Chairman asked me to talk about live sighting reports or something and that is a different subject.

Senator DECONCINI. Well, I ask you to submit to us the statement of Mr. Childress and Mr. Armitage of what you think is a lie in your statement and what evidence you have to do that.

Mr. NEVIN. Well, I am prepared to do that. I would like to do that.

Senator DECONCINI. Can you do that for us?

Mr. NEVIN. Oh, absolutely, although I did not mention Mr. Childress' name at all.

Senator DECONCINI. Excuse me.

Mr. NEVIN. The names are Armitage and Childress and Walters and Kissinger, and my proof is U.S. Government documents, their statements that are on the record that are not factual.

Senator DECONCINI. You are correct, you did not mention Mr. Childress.

And then as to the live sightings, if the Chairman will continue to yield, from what I understand you say is that this information is in the hands of our Government now.

Mr. NEVIN. Yes, sir.

Senator DECONCINI. I would like to see it.

Mr. NEVIN. All right, I can show you how to get it.

Senator DECONCINI. Okay, I wish you would.

Mr. NEVIN. I can show you how to get it.

Senator DECONCINI. Because I have asked our Government, even in closed classified briefings. They say they don't have it. Now, they even have testified under oath; they say they don't have it. So——

Mr. NEVIN. Well, they are testifying as to their analysis of the facts that they have. Others have looked at the exact same facts and listened even to their analysis and come to a different conclusion, people who are very distinguished.

Senator DECONCINI. Let me give you an example. I don't know that this is one of your examples, but one example that was given to us is that there were photographs turned over to the DIA of some 20 or more supposedly Americans held that were picked up by the Special Forces and they were transferred over to—by a Major Smith—over to Lieutenant Colonel Howard who tried to offer them to General Moore who turned them over to the intelligence of the command in Korea, and supposedly they were turned over to DIA.

DIA and the Army says, "We don't have them. We never saw them."

Now, you know, what can we do about that?

Mr. NEVIN. I don't know what you can do about that, sir. I have no idea how you can solve that problem.

If I could make one point. Now, I am sure that you gentlemen are aware that seven members of the U.S. House of Representatives alleged that they have had hours and hours and hours and hours of classified briefings, that they have made many trips to Southeast Asia, that they have worked with—and we know that they have worked with—DIA for literally dozens of hours. The seven of them—now, this is not seven out of some larger group—the seven of them, the entire group has written a letter to the President of the United States, to the Speaker of the House, the chairman of the House Foreign Affairs Committee, saying, "We write to inform you that American prisoners are still held in captivity and we will not be—we are certain and we will not be dissuaded by arguments to the contrary by the bureaucracy which handled this issue for 13 years."

Now, inasmuch as these seven people have probably thousands of additional hours of information at looking at the whole scope of the evidence, and 50 to 60 hours invested in looking at the evidence that is in the hands of the U.S. Government, I believe that if you gentlemen want the truth, that you would ask those men to come

over here with you in closed session, with DIA, with whatever DIA document documentation they request——

Senator DECONCINI. Mr. Nevin——

Mr. NEVIN [continuing]. And you should ask them why are they so sure?

Senator DECONCINI. Well, let me just give you an example. We sat with DIA and with the staff and member Hendon, Representative Hendon. We went through the files that he suggested or charged or alleged that were misinterpreted and not followed through. Now, the DIA refutes that. They get up and say "Look, we did this and here's what we got from it."

Now, we would love to have been able to go in there and find somebody. And they say, "Well, why did you wait so long?" Well, they have one answer or another. But it doesn't conclude that they have covered up. To me, there is such suspicion about DIA that, before this thing is over, I am going to propose that they put in a whole new DIA, probably to no avail, because I am satisfied that there is no evidence today to justify for me to accuse DIA of covering anything up. But I am satisfied that their credibility is worthless, because they cannot—and I don't say that——

[Applause.]

Senator DECONCINI. I am not interested in any reaction from the audience, because I am fed up with this whole problem of people jumping on DIA and jumping on anybody who disagrees with you. So don't give me those platitudes.

What troubles me is that DIA has not, in this Senator's opinion and in many of the people who are concerned here, followed out every lead, and I am sorry they didn't do that. But they may had reasons, but there is no evidence to show me that they have intentionally covered up.

When I met with Hendon and we went over those files, I agreed with him that there was—call it sloppiness or no follow through, but there was no smoking gun, that they had buried something and that they were sinisterly, trying to deny that there might be Americans there.

I think there are Americans there, too, but all we have is what we are. This is—what you see is what you get. It may not be great, but there are a lot of people, including the Chairman, who has broken his back here, trying to get people to come forward with specifics. We don't get a whole lot. We don't get a whole lot. We don't get it from you.

You say Armitage lied? Show me where Armitage lied.

Mr. NEVIN. I will do that—Well, I did not say Armitage lied. I said he——

Chairman MURKOWSKI. Can you cite right now, with evidence, any lie, just briefly?

Mr. NEVIN. Certainly, absolutely.

Chairman MURKOWSKI. All right, please proceed.

Mr. NEVIN. Ambassador Vernon Walters, in testimony before the House Select Committee on Missing Persons in Southeast Asia on March 17, 1976, made the following statement:

"One of the factors in Laos that I might point out," General Walters testified, "is we acknowledge that of some 300 people who went down, a small percentage of these are believed to have survived of

the people who went down. What happened thereafter? We do not have any intelligence. We can speculate, but intelligence we do not have."

Not only did he misrepresent the number, and the accurate number was at least 512 American airmen who went down in Laos, the statement that there was no intelligence is an incredible and outlandish lie. There were, at that time, 150 live sighting reports, photo reconnaissance which had been identified by U.S. intelligence as an American POW camp in Laos, over 150 communications interceps which were evaluated by National Security Agency as identifying American prisoners in Laos by name, additional reports from the controlled American asset team, CAS teams, on the ground in Laos, an intelligence report regarding Pathet Lao documents relating information of American POW's in their control, and more. There was reams and volumes and volumes of intelligence, and he said we have none.

When he was asked—this is another issue—when he was asked whether there was any intelligence information being withheld from the Commission, he was asked very directly and specifically, "Have you given the committee everything that's available? Have we seen all that's available to us?" He said, "Absolutely none, Mr. Chairman, responding to whether any had been withheld. It would be inhuman to do such a thing to the families and I am sure that we would stretch every desire to protect the sources and methods if we had any information we could give those families. We do not have any additional information."

And I can just list here very briefly, the family of Joe Madigoff was told he was dead; NSA had always considered him a confirmed POW. The family of Peter Cressman was told he was dead; NSA had always considered him a POW. Dale Brandenberg was listed as killed in action and it was known that he was probably captured. Tod Melton was listed as killed in action, although it was known he was probably captured. Col. Louis Melled, a recipient of the Congressional Medal of Honor, reports that at the time of Operation Homecoming, he had certain knowledge that CIA was aware of the location of a POW camp in South Vietnam's military region 2 in which there were three American POW's who were known by name. CIA had an agent in that camp who was a member of the guard company.

Senator DECONCINI. Mr. Chairman, can I ask a question?

Chairman MURKOWSKI. Yes.

Senator DECONCINI. Now, when Mr. Walters testified, he was in the Armed Services at the time?

Mr. NEVIN. No, sir. He was the Deputy Director of the Central Intelligence Agency. He appeared before the Montgomery Commission as the spokesman for the U.S.——

Senator DECONCINI. For the service.

Mr. NEVIN. No. The whole U.S. intelligence community. He represented the U.S. intelligence community.

The Director of CIA, of course, is the head of all intelligence, and the Director had been asked, George Bush had been asked to come and he sent his Deputy, Vernon Walters, in his place. And "lies" is too kind.

Chairman MURKOWSKI. Well, I must move on, gentlemen.

Senator DECONCINI. Well, Mr. Chairman, I have to say that I've not read the Montgomery Commission. But that is a good question to ask Mr. Walters and the CIA today, to ask why they made such a statement.

Chairman MURKOWSKI. Senator, we will have that opportunity.

I would like to make sure that Mr. Nevin understands the basic premise of this committee, that we assume that there are Americans being held in some capacity in Southeast Asia, which I think differs very little from the contention of the House members that the gentleman spoke of.

And, again, I am going to have a very brief questioning period and conclude so we can get on with the next witnesses. But I would urge my colleagues to focus in on the specific issue at hand, and that is information relative to Americans being held currently. Unfortunately, we do not have the capability as a committee to go back under the alleged coverup. I can't resolve that, unfortunately, as much as I would like to, if I spent all my time on that. The interest is releasing those that are held now, and I urge, beg, plead with you to focus in on that.

I know you want to provide this committee with background. I know that there is a great deal of information out there. I know that people may have been misinformed, may have even lied, but the interest in the committee is releasing those Americans. We need to know where they are, how to get to them. And to just suggest the Intelligence Agency has the information, we would hope that you could provide us with something more specific that would lead this committee to take the necessary action.

Mr. NEVIN. If you accept our belief that there is a coverup, how can you——

Chairman MURKOWSKI. I call on Senator Denton at this time to question the witness.

Senator DENTON. Mr. Nevin, whenever I have been asked about the likelihood of prisoners being left, among other things I have always said the highest likelihood, in my view, would be the prisoners that might have been shot down or captured in Laos. Because, while I was over there, there would be a trickling in to our group of Laotian-originated prisoners and for a while they were kept with us, then they were segregated near the end and there didn't seem to be enough of them considering the number which had been shot down there.

But I can't conclude for sure, or even logically, necessarily that there were that many shot down there. I can say that I am not sure that—you said 500. How many were shot down in——

Mr. NEVIN. 512, that we know of.

Senator DENTON. 512. How about in North Vietnam, how many do you think were shot down?

Mr. NEVIN. Goodness, I have no idea. I am sure that figure is available.

Mr. ASHWORTH. I can make it available for you at the end of the hearing, sir.

Senator DENTON. All right.

On another matter, since you are getting at the credibility of our Government and the credibility of President Nixon, Dr. Kissinger,

and the DIA—and I thought you said, Mr. Ashworth, you considered Roger Shields a pretty good man.

Mr. ASHWORTH. I do, sir.

Senator DENTON. Mr. Nevin has him a liar.

Mr. NEVIN. No. Dr. Roger Shields? Not at all, never mentioned it.

Senator DENTON. Well, you have him saying that—I mean, I didn't mean to make an allegation that was not correct. You have here, "When Nixon and Kissinger saw they had been outmaneuvered, the JEC talks were terminated, and on April 13, 1973, Dr. Roger Shields, Pentagon spokesman on the POW issues said for the first time, 'There is no reason to believe that any American prisoners remain alive in Indochina' "

Everything you have said above that indicates that the Nixon Administration was trying to put a good face on a withdrawal, calling it an honorable settlement and so on, and knowing that there were prisoners there.

So what do you mean when you say Roger Shields made a statement against what you say you believe to know to be the truth?

Mr. NEVIN. Well, it was on apparently April 12, 1973, that the official policy, indeed the public policy, of the U.S. Government became that there is no reason to believe that any American missing remain alive in Indochina.

Senator DENTON. And Roger Shields——

Mr. NEVIN. Yes, sir.

Senator DENTON. Roger Shields went along with that and he is still a good man?

Mr. ASHWORTH. Sir, I think you hadn't been able to make it when I specifically brought up this instance.

Dr. Shields was ordered to say that, and when he objected, my understanding is Dr.—the voice over the telephone said to him, "They are dead. Do you understand, Dr. Shields, they are dead?"

And I have to tell you, in a telephone conversation that I had with Dr. Shields, he told me that at the time that this was stated, that this statement was made at the end of Homecoming, that there were enormous questions, enormous questions, about the POW's over there and that this was not a priority item after that point in time. Dr. Shields personally told me that.

Senator DENTON. I am trying to help you put a puzzle together, not try to rip it apart, because I believe there is a lot of truth that we have not yet uncovered about Vietnam, some of which has very little to do with POW's but with the abandonment of 59,000 men who gave their lives in a cause which this body and the other body threw away. That is what has me upset.

Even more than those POW's, as much as I pray for them and would work for them, if I knew any way to push myself into the issue—let me tell you something that will help you confirm one of the propositions you are giving here.

Just before we were released—this is in my book, but not quite clearly—I was called before a group of high ranking military and political North Vietnamese officials. Now, this is after their wills were broken in North Vietnam by the, among other things, strategic bombings and the blockades which took place in December 1972 particularly, and it is not to gainsay nor denegrate any of the land

activity or other activity by Navy boats and so on. Everybody did their bit. But what broke their will in the end was something we should have done back in July 1965. You can argue all you want about what strategic bombing did to the will of Germany, but you can't argue with any intelligence that a tiny country like that cannot have, by strategic bombing, its military resources wiped out in a matter of a few days. And we didn't do it, and it was a damn fool thing not to have done. We played with that war early on for various reasons. I won't ascribe malice to anyone in that.

They called me in there and asked me, "What will you say to your President when you return home?" Now, I don't want to boast, but I am the first one to whom they apologized for the treatment in 1969 when they changed it, October 1969, and admitted for the first time they had been committing war crimes, trials against us, and asked me what they could do to improve the treatment. I was the one they spent three weeks with with a Vietnamese-French dictionary and a French-American dictionary trying to figure out what we could do to make things better and to keep it more likely that we would stay alive, because we were essentially hostages then.

They tried to bury, with Ho Chi Min's death on September 3, 1979, all the bad stuff and say a few of them were responsible for those crimes.

Now, this is relevant to what we are talking about, so don't wander your eyes. I listened to you.

We went on through. Finally they do the—in other words, they think I am credible, all right? They think I am an honest man, that I have represented my country honestly, and they think I am going to tell them an honest answer about what I am going to say. So they asked me that and I said, "I've never answered any other question like that, so why should I answer that one?"

I went back to my group—we had a large number together then; it was just before they released us—told them what had happened, chatted a while to senior officers. They called them in, two more, Stockdale and Rizner, asked them the same question. I decided with the rest that if I went in, I would ask them why they wanted to know the question, from me the answer, and if they would tell me, I would make up my mind whether I would answer their question.

So here is the thing that is relevant to what you said: They all filed in, sat down. "OK, Denton"—I think they called me "Commander Denton" for the only time I was there—"what question do you want to ask us about why?"

I said, "I just want to know why you want to know the answer to this question of what I'm going to tell our President when I get home about our treatment."

And they filed out, they filed back in, they sat down, and one of them started to speak, and he said, "Commander, we want to know if there's going to be the truth told by you prisoners as to what happened, and we are concerned that some of the prisoners will exaggerate about their treatment and that Mr. Nixon"—that is the only time they ever called him "Mister"—"will not come through on his promise aid to the Mekong Delta," which corresponds to your statement that we indeed offered them some kind of aid. But

that is not a scandal, believe me. We thought that aid was necessary, in my view, and I have talked with Mr. Nixon about this, and many others, because the truce which we had set up was relatively shaky, perhaps the cause of the war, from their point of view, had something to do with empty bellies, and that this would help develop the area at a cost of a billion you say at the outside over a period of many years. Hell, the war was costing us over $30 billion a year. If you can eliminate the war or the cause of war that way, that's cheap.

So that is the way they looked at it.

Now, let me get the rest of this straight. I then told them what I was going to say. I was going to say, "You have treated us like less than animals. People were starting to die off and would have died off in droves if you hadn't changed the treatment October of 1979." And they all sighed a sigh of relief. That is all they wanted to hear. All they wanted me to do was tell him the truth: They did change the treatment.

Are you aware that after the war, you know, after our withdrawal—I don't mean after Saigon fell, I mean after it became de-Americanized, or whatever you want to call it, Vietnamized—the South Vietnamese ability to defend themselves, if we had simply persisted in giving them about half of the material supplies which the North was getting from their Communist, their immediate allies, they finally reached a condition in autumn of 1974, testified to by generals, majors, sergeants, very different from the kind of different they had come back and given me—I was Commandant of the Armed Forces Staff College, they knew I was interested and I had talked to all the SACs and CINCs and all the people coming back from Vietnam—they said the South is ready, they can hold off, politically, psychologically, economically. All we have to do is follow through on this agreement. But in the meantime the North was starting to violate their agreement, so Nixon and them started coming off the aid they were going to give. Do you understand that? There is nothing wrong with our Government promising them aid if they will behave themselves and then renegging on that. But they didn't renege, in my view, and stop this thing because they strongly believed there were prisoners over there.

If you believe that, I am willing to listen to you try to prove that and I would be very anxious in doing that. But when you say, you know, you care about this, let me tell you how much I cared about it, and this is the first time I have said so in a Senate committee.

As the fall of Saigon became evident, a few weeks out, or a few months out I wrote to the Chief of Naval Operations and asked to retire. I asked to go back as a civilian, be permitted to go back as a civilian to Saigon, because I could see what this Congress was doing, I could see it was going to fall, and when I said "God Bless America," I thought we had won a victory. I didn't sing "God Bless America" because I was coming home. And I wanted to go back and go down with that ship and perhaps be remembered enough for the next time something like that happened for people to realize that we shouldn't do it that way. You ought to hang in with a friend.

Now, I give you my word of honor on that. My wife will, too. We almost divorced about it. It went on for weeks. I left the house and

went to a motel. And then Kissinger ordered the evacuation of all Americans, so Admiral Hollaway wrote me and said, "Jerry, you obviously can't retire and proceed with your intentions."

I don't think many people exceed me in my frustration about what happened, what these bodies did over here, or the tragedy that occurred. And if we don't get it straight, in my view, we are not going to get straight in the attitudes toward foreign policy in the future. And two of them are up this week: aid to the Contras and South Africa.

So I am with you, but I think that some of the simplifications you are making about sightings are reported sightings and I am not so sure that we have confirmed any one as being true.

You are aware that the South Vietnamese, like me, or the Laotians, like me, or the Cambodians, like me, would like to get the United States back over there, would like to get us very conscious of the fact that they have American blood alive over there, and some of them might lie about it. God bless them. If I were one of them, I would. And some of them may be telling the truth, but we haven't been able to sort out which ones have told the truth. We have tracked down a lot of sightings and they haven't been true, but we haven't tracked down all of them.

But I will do anything, you can come see me at night any time, I will stay up all night with you, but just get it together so that I can see the connection, the real proof, not just that Nixon promised them aid and then said he wasn't going to give it to them. I know he promised them aid. I know there have been many sightings and I suspect it has been difficult to keep track of guys shot down in Laos or captured in Laos. I would have imagined so with South Vietnam, too, in South Vietnam.

Chairman MURKOWSKI. Senator Specter.

Senator SPECTER. Thank you very much, Mr. Chairman, just a brief question or two.

In your prepared statement, Mr. Nevin, I note your comment that appears at page 8 that, "The importance of the truth as to whether the Vietnamese were promised reconstruction aid is that it is at the very heart of the most commonly asked question of this entire issue—Why would the Vietnamese continue to hold American prisoners?"

I would like you to expand on that a bit. Do you think that it is the failure to provide reconstruction aid which is really at the heart of this matter?

Mr. NEVIN. Well, I think it is, absolutely it is. And one thing we have to remember is that the Vietnamese watched all through the war as our pilots were shot down, and we would sometimes bring a hundred or more aircraft into the effort to rescue one man. So the Vietnamese knew the value we placed on human life, they knew the value we placed on our soldiers. And this is why they put such a high priority to making captures, to cataloging information and why they kept such good records on the POW's and on the remains.

Now, they believed that they would somehow be able to extort from us war reparations, as they liked to call it, reconstruction aid, as Henry Kissinger and President Nixon called it, in return for those men. And I believe—and this is not just a hunch on my

part—I believe, based on looking very carefully at the conduct and the statements and the actions of everybody involved during the time frame of the negotiations, that they thought that they were going to get the aid, that it was clearly promised to them unconditionally, unconditionally promised to them——

Senator SPECTER. What is the source of what you categorize as the unconditional promise?

Mr. NEVIN. The letter from President Nixon to Pham Van Dong which is dated February 1, 1973.

Senator SPECTER. And what does that say?

Mr. NEVIN. I would like to briefly point out that Secretary Kissinger and President Nixon had repeatedly denied that any aid had been promised before this letter was revealed to a committee of this Congress by the Vietnamese. A portion of this letter was revealed and later on the whole letter was obtained.

"The President wishes to inform the Democratic Republic of Vietnam of the principles which will govern the United States' participation in post-war reconstruction of Vietnam."

Senator SPECTER. Are you reading from a letter?

Mr. NEVIN. Yes, these are the words of President Nixon.

Let's see, January 27, 1973. "The United States undertakes this participation in accordance with its traditional policies. These principles are as follows:"—and Representative McEwen, you tried to find out something about this once, and Secretary Armitage and Secretary Wolfowitz wouldn't tell you.

Chairman MURKOWSKI. Are you prepared to submit that letter for the record, sir?

Mr. NEVIN. It is in a State Department—it has been a public document for 9 years. Yes, I will.

Chairman MURKOWSKI. Thank you.

[The letter referred to was not available at time of publication.]

Mr. NEVIN. The Government of the United States will contribute to post-war reconstruction in North Vietnam without any political conditions. Preliminary U.S. studies indicate the appropriate programs for U.S. contribution to post-war reconstruction will fall in the range of $3.25 billion, a figure I am sure is familiar to you, Congressman.

Other forms of aid will be agreed upon between the two parties. This estimate is subject to revision and to detailed discussed between the Government of the United States and the Government of the Democratic Republic of Vietnam.

Note regarding other forms of aid: In regard to other forms of aid, U.S. studies indicate that the appropriate programs could fall in the range of $1 to $1.5 billion depending on food and other commodity needs of the Democratic Republic of Vietnam.

Now, Secretary Kissinger attempted to explain later the meaning of the phrase "without any political conditions," and he said——

Senator SPECTER. Let me interrupt, Mr. Nevin, because time is short.

Mr. NEVIN. Yes.

Senator SPECTER. I just want to pursue that point.

What specifically, if anything, have you heard from anyone that there is reliance on that specific letter and that is the basis for refusing to proceed to turn over MIA's?

Mr. ASHWORTH. In the uncorrelated intelligence documents, there was information gathered by our intelligence community, if I remember correctly, even before anybody in the United States except the highest officials knew of this letter, that people in Hanoi were telling their cadre that they were holding Americans for the billions promised in this letter.

Senator SPECTER. Who told you that?

Mr. ASHWORTH. It is in the intelligence reports.

Mr. NEVIN. That are declassified, that are available to anyone. We have seen many of those.

In addition, what is really important here, going to the motivation of the Vietnamese and the reason they would hold the prisoners and so on, what is important is what their perception was. Not what President Nixon intended, not what Henry Kissinger intended, but what the Vietnamese perception was.

Senator SPECTER. May I take a look at the letter while you are testifying, please?

Mr. NEVIN. Yes.

Senator DENTON. If the Senator would yield just 30 seconds.

Mr. Nevin, I have no problem with the fact that we cut off the aid, but to link that directly with our perception that they were getting too smart about releasing POW's, I think is stretching it a bit, because they were violating the agreement in every conceivable way. They were moving into positions, they ultimately came right through the McNamara minefields and electronic high-tech stuff with regular divisions after they got back on their feet from a condition of zero. They violated it in every way. There are many reasons why we withheld that aid, not just the allegation that it was POW's.

Chairman MURKOWSKI. Representative McEwen.

Mr. MCEWEN. Thank you, Mr. Chairman.

Gentlemen, you are very interested in this matter, we are very interested in this matter. You have now been here for over two hours, we have been here for over two hours. Have you communicated to us what you want us to know?

Mr. Ashworth, as I see your testimony, you say that you heard from people that had specific evidence, and yet you can't necessarily give us those names and perhaps maybe you will.

Is it an appropriate question for you to ask, with all the publicity that these hearings have received, with all the requests that we have made for information, does it not ring a bell in your mind that none of these people have come forward with any personal evidence which you claim that they have?

Mr. ASHWORTH. Sir, they attempted to by going through me, and when I told DIA, DIA wouldn't talk to them.

Mr. MCEWEN. All right. I appreciate the fact that you made a collect phone call to DIA that some woman didn't accept, and from that you threw up your hands and for the past 3 years have made no further effort to contact the Government.

Mr. ASHWORTH. No, sir. After that phone call was made, I called my representative's office to talk about that. I contacted Ann Mills Griffiths to try to get her to follow up on it. I did not throw up my hands and do nothing. I tried time and time and time again to get somebody to do something.

Mr. MCEWEN. Let's take 1986, let's take seven hearings here, that you have specific names of people who have specific information. None of them have come forward. The only access we have to them is through second- and third-hand stories, and does that not make you suspicious of the validity of their representations to you? Why is it they don't come forward?

We even had a fellow that had a tape, a tape, ladies and gentlemen, that you can see it. And "Can you present the tape?" "Yes, I can." "Who has it?" "Well, my friend has it." "Will he show it to us?" "Yes, he will."

And so we sit down here and, lo and behold, neither he nor the tape nor the witness appear.

Now, here we are again. You have people that you value and you trust their commitment to the United States. Perhaps they served in American Government at one place or another, and they have this vital information. Why is it they don't come tell us?

Mr. ASHWORTH. They will. I will let them know.

Mr. MCEWEN. Boy, you know, I am excited. And that is why the Chairman——

Mr. ASHWORTH. Do I understand that you are—because I know these people don't have a lot of money. Do you expect these refugees to pay their own way to Washington?

Chairman MURKOWSKI. I would assure you that the problem is not paying people's way to Washington. All anybody has to do, and I have stated it seven times, if anyone has specific evidence, proof, something to follow up on that we are still waiting for, why, that is the interest of the committee. And I think that the statement of the Congressman is most appropriate in reflecting that what we are attempting to do is something that all Americans have indicated is the No. 1 priority, including our President, and that is the release of these Americans.

You gentlemen have given your testimony today. Unfortunately, time prevents us from getting every last bit of questioning and counter-questioning, material and so forth, but I would urge again that you take advantage of the fact that the record will remain open.

I had heard from, obviously, Senator Denton and his recollections which, again, are most appropriate. But the specifics, we sat through seven hearings looking, praying for some positive evidence, proof that we could initiate some action, and I have yet to find specific action. We can go back and investigate coverups, and we will, but what ultimately we are interested in is evidence that will indicate how we can generate a release of these people.

You asked me to come here. You have been given the opportunity, your testimony has been enlightening and we appreciate it. I had hoped that you would provide us with a specific pattern, and we are not through, obviously. We intend to pursue the names of those that you are reluctant to give in open testimony.

But I would again remind you and others that there is a limitation to what this Committee can do and I think Mr. Nevin touched on it in his testimony. We have to make reference to specifics so that we can initiate action.

Mr. NEVIN. Mr. Chairman, you said that you will investigate coverups and have asked for specifics, and I have alleged that

people have lied to committees of the Congress, have lied, have misrepresented the facts to this committee, and you have not even asked me to——

Chairman MURKOWSKI. You are going back to reflecting on the coverup——

Mr. NEVIN. Exactly.

Chairman MURKOWSKI [continuing]. And I am not denying the fact that there may or may not be a coverup. What I am trying to express to you is the fact that this committee is trying to initiate some action that would result in the release to those men.

Mr. NEVIN. So are we. So are we, sir.

Chairman MURKOWSKI. You are going to hear testimony from the Defense Intelligence group that is going to come up later on and I would hope that from that we can focus in on some of the specific allegations that you have indicated to the committee.

Mr. NEVIN. A problem cannot be solved until it is identified, Mr. Chairman, and the problem is the coverup, and I have indicated to you that I could prove that some people are involved in it. You have said you would investigate it, but you have not asked what is behind these allegations I have made. I don't understand.

Chairman MURKOWSKI. Well, I think we have asked you what is behind the allegations.

Mr. NEVIN. Well, I would be happy to give it to you. You allowed me to demonstrate to you that Vernon Walters lied partially, but it was of no interest.

Chairman MURKOWSKI. It obviously is of interest, but if we begin to take the line of Vernon Walters and the circumstances—what I am interested in today is finding someone who will testify before this committee with regard to specifics, that can provide a film or whatever so that we can initiate some action.

Mr. NEVIN. That would be nice, Mr. Chairman, but it is not that easy.

Senator DECONCINI. Mr. Chairman?

Chairman MURKOWSKI. Senator DeConcini, I am going to ask you to respond and then I intend to call the next panel.

Senator DECONCINI. I will be brief.

Let me ask Mr. Nevin if he will share with this committee, including a member of my staff, the information you have on the coverup, the details as you just did with regard to Mr. Walters. The reason is we don't have two more days here. We have other witnesses.

Second, Mr. Chairman, I would be glad, on behalf of the Committee, to step in the back room with Mr. Ashworth and take the names of those people that he says he will give to us, if he wants to give to us, so that we don't delay the committee, or suggest that the committee go into closed session for 10 minutes in the back room and take them with the entire committee. But I think it is important, while we have Mr. Ashworth here, if he wants to give us these leads and these people's names, that the committee take it. And Mr. Waple, as well.

Mr. ASHWORTH. I would like to do that, and I will tell them, as I understand it, that you will be calling them to talk about this.

Chairman MURKOWSKI. I think, Senator DeConcini, the understanding was that the gentlemen would be willing to communicate

that to the committee as well as representatives of the intelligence community.

Was that not your statement in your testimony, that you were willing——

Mr. ASHWORTH. No, my statement was——

Chairman MURKOWSKI [continuing]. To communicate to the committee and the Defense Intelligence——

Mr. ASHWORTH [continuing]. To the committee, their names and that I will talk to the Defense Intelligence Agency with Mr. Waple.

Chairman MURKOWSKI. Well, wouldn't it expedite the matter, since we have all the Parties here, to do that in the presence of those members of the committee who want to and have the time and representatives of the Defense Intelligence Committee so we will try and eliminate any confusion or——

Senator DECONCINI. Well, if the chairman would yield, I don't think Mr. Ashworth said he wanted to communicate the names of these people to DIA, Defense Intelligence, if I am correct. He is willing to convey that to us. He is willing to talk to DIA.

Chairman MURKOWSKI. I think if we go back, Senator, and examine the record, you will find that there was reference. And let's ask him now, because we will go back and check the record on your previous testimony.

Senator DECONCINI. Are you prepared to turn over those names to the DIA?

Mr. ASHWORTH. If I said that, I certainly didn't mean to say it. I said I would turn them over to you, that I would talk to DIA.

Senator DECONCINI. You would turn them over to the Committee.

Chairman MURKOWSKI. Mr. Ashworth, I would assume that you would expect us to turn them over to the Defense Intelligence Agency, would you not?

Mr. ASHWORTH. These people had specific information at one point in time. DIA didn't want to followup. Can you guarantee me that these people will not in any way be in any jeopardy, that they won't be brought in and treated as one of my other people were when the DIA people, in his words, treated him as an enemy, called me a Communist? If you can guarantee me that, I will turn it over to DIA.

Chairman MURKOWSKI. We can guarantee you that.

Mr. ASHWORTH. You can guarantee it?

Chairman MURKOWSKI. Yes.

Mr. ASHWORTH. I will do it.

Chairman MURKOWSKI. All right, fine. We will move along.

Do you have anything further?

Senator DECONCINI. No, I don't, Mr. Chairman. Thank you for clearing that matter up. I only want to say that I understand that now Mr. Nevin is going to get together with somebody on the committee, and that includes someone from my staff, and give the coverup information, because I think it is important.

Chairman MURKOWSKI. And a representative from the intelligence community. And we can——

Senator DECONCINI. That's what he says.

Mr. NEVIN. Oh, sure.

Senator DECONCINI. Fine.

Chairman MURKOWSKI. Go into the—do we have a secured room in the back?

Mr. NEVIN. It doesn't have to be secure.

Chairman MURKOWSKI. Well, it is a private room.

Yes, there is a private room in the back and, gentlemen, why don't you go ahead, and, Senator, if you would like to go and representatives from the intelligence community.

I will proceed with the hearing and we will attempt to move along and try and get something done.

I call our next witness, Major Mark Smith. Good morning, I guess it is still morning. Please be seated.

Major Smith, do you solemnly swear to tell the truth, the whole truth and nothing but the truth? If so, signify by saying "I do."

Major SMITH. I do.

Chairman MURKOWSKI. In view of the fact that you are no stranger to this committee and also because of the information that you gave Mr. Principi last evening, and I refer specifically to the originals of these photographs which you provided the committee, and you gave us the other day the xeroxed copies and these are the original copies——

Major SMITH. Yes, sir.

Chairman MURKOWSKI [continuing]. We acknowledge receipt of that.

Major SMITH. Thank you, sir.

Chairman MURKOWSKI. And we are appreciative and those will be communicated for comment for the public. And in view of the time frame that we are on, I would advise you that I would like to conclude your testimony within a half hour.

Major SMITH. That is up to you, sir.

Chairman MURKOWSKI. I understand that you have a rather short statement, so please proceed.

STATEMENT OF MAJ. MARK SMITH, U.S. ARMY (RET.)

Major SMITH. Yes, sir.

Gentlemen, as the record of these hearings will reflect, this will be the fourth time that I have testified concerning the POW/MIA issue. I have provided this committee with, one, my personal, professional experiences in Southeast Asia between 1981 and 1984 as the commanding officer of the Special Forces Detachment, Korea; two, classified information in closed session Proving my authority to conduct POW/MIA information-gathering intelligence operations; three, classified intelligence reports in closed session relating to American POW's; and, four, my own expertise in special operations in Southeast Asia, which I, of course, would consider to be unparalleled.

Yesterday I provided those three photographs which I promised I would bring to this committee. Please understand that the significance of those photos is primarily that they depict Americans in Laos who were potential sources of information about American POW's and MIA's.

Rather than be encouraged to approach these sources, I was strongly discouraged by DIA and CIA.

I would like for this committee to understand that I am not the only person to have concluded that American POW's remain captive in Southeast Asia. I have recently been made aware of the fact that seven U.S. Congressmen have reached this same conclusion.

Rather than place the entire burden of proof on this former American prisoner of war, why not require the DIA or CIA to provide this committee with the same data which has been seen by the following Congressmen: Frank McCloskey, Robert Smith, Christopher Smith, Bill Hendon, John Rowland, David Dreir, and Bob Dornan.

I have provided this committee with what I consider to be strong circumstantial evidence that Americans may be alive and in captivity in Southeast Asia. I do not know what else I can do except to continue to maintain my contacts in Southeast Asia and to receive and provide to those who prove willing to take action on that information that I receive.

I do not take this responsibility as a job. I take this responsibility as a point of honor.

I have provided to Senator DeConcini—Senator Murkowski, also—some information that is specific in nature, and I am sure that he will pass that on to you. I would ask that these things be close guarded. I have no problem with DIA evaluating that information. In fact, I am sure that some of the questions that will be raised by that information DIA will have to answer questions as to why they did not provide support for what I believe has been proven to be an authorized intelligence-gathering operation.

Chairman MURKOWSKI. Thank you, Major Smith.

Major SMITH. Yes, sir.

Chairman MURKOWSKI. Did you indicate in your statement that you had been discouraged by DIA on the material which you submitted to the committee last night?

Major SMITH. Yes, sir, I did.

Chairman MURKOWSKI. Can you indicate or elaborate a little further for the committee on the circumstances surrounding the contention that you have been discouraged in so doing?

Major SMITH. Yes, sir.

Chairman MURKOWSKI. Can you name names and——

Major SMITH. Yes, sir, I can.

Chairman MURKOWSKI [continuing]. Circumstances and times?

Major SMITH. I certainly can.

Those particular individuals shown in the photos were identified to me as early as 1981 as individuals who either passed in and out of Laos to do whatever they did, individuals who had been left in Southeast Asia as members of the U.S. military in 1975 when Vietnam fell and continued on their own to fight, leading the same troops that they led during the Vietnam war.

My contention, No. 1, was——

Chairman MURKOWSKI. Well, Major Smith, could you just kind of focus in on the question more specifically?

The question was: Who in the Defense Intelligence Agency has discouraged you from submitting this?

Major SMITH. Yes, sir. I—these photos——

Chairman MURKOWSKI. I have several questions for you——

Major SMITH. Yes, sir.

Chairman MURKOWSKI [continuing]. And that is why I would like you to——

Major SMITH. These photos were provided in 19——one photo in 1981 and the other two photos in 1982 as individuals who were potential sources of information. They were provided to—in 1981, the first photo was provided to Mr. Phil McMasters, who was our debriefing agent with the Defense Intelligence Agency out of the 501st Military Intelligence Group. He came directly under the supervision of Mr. Mike Sherwood who was at that time acting as his supervisor, who also saw this.

I also showed—yes, sir.

Chairman MURKOWSKI. Well, go ahead. I am still waiting for the reference that somebody in the Defense Intelligence Agency discouraged you from bringing this evidence to the committee.

Major SMITH. Yes, sir.

Chairman MURKOWSKI. Well, who and when? Did this happen yesterday, the day before?

Major SMITH. No, sir. 1981, 1982.

Chairman MURKOWSKI. 1981 and 1982?

Major SMITH. Yes, sir.

Chairman MURKOWSKI. That is when it occurred.

Major SMITH. Yes, sir, it did.

Chairman MURKOWSKI. OK. I misundertood you.

Major SMITH. I was told——

Chairman MURKOWSKI. I was under the assumption that you had been discouraged just before submitting this.

Major SMITH. No, sir.

Chairman MURKOWSKI. So that is not the case, OK.

Major SMITH. At that particular point in time, I was told that these were not the people that we were interested in.

Chairman MURKOWSKI. Well, see, I can't do anything about what happened in the past. I am only interested in trying to proceed with something that will lead us, such as the video film which you offered to this committee earlier this year——

Major SMITH. Sir, I offered to attempt to——

Chairman MURKOWSKI [continuing]. And you haven't been able to——

Major SMITH [continuing]. Obtain it for this committee.

Chairman MURKOWSKI [continuing]. Haven't been able to obtain. Is there any likelihood that we might be closer to obtaining that?

Major SMITH. We are still dealing with that individual and other individuals, as I discussed with Mr. Principi yesterday, and I am sure he will pass that on to you.

Chairman MURKOWSKI. Well, I am interested in keeping this record public, so I would appreciate, unless there is a good reason, if you could give us any elaboration as to the status of seeing the videotape which you had indicated that you hoped to provide.

Major SMITH. Yes, sir.

Chairman MURKOWSKI. Is it likely that we might be able to see it, or are things about the same or do you know?

Major SMITH. I believe it is, yes. That individual has made his commitment to us by saying that our agreement still stands, even after what he feels was done to him in this country. I can assure you that my counterpart, Sergeant McIntire, continues to pursue

this, and not only through that one source, but through other sources.

Chairman MURKOWSKI. Well, can you be more specific. Is there anything this committee can do to encourage the presence or the showing of that film?

Major SMITH. No, sir, I don't believe so, except to possibly encourage, if you could—and I do not discourage public debate in any way, and I certainly have participated in that. What I would like, as I asked General Perroots, when General and I had the meeting in Billy Hendon's office, if we could—and I want to say up front that my dealings with General Perroots on this issue, and especially on this videotape, have been nothing but above board, and I think that General Perroots has attempted in every way to work with us, under the guidance that he was given by higher authority, to obtain that videotape.

I do think, as I expressed to him and this committee may be able to influence this, there are some gremlins out there at work—we met them in Cypress, we met them in Singapore—people who, for whatever reason—and a lot of it is not because they are trying to preclude this videotape from coming forward. A lot of it is attempting to gain access to that tape by placing pressures on the individuals that they feel have that tape through other ways. And what it has done actually is to allow some of these people to squirm out from under some of the commitments that they have had to us.

What I would ask, sir, is that if again I could ask that on this one particular source, and on other sources, if people could merely back off from them for a reasonable time, I believe that we will be able to obtain that evidence.

Chairman MURKOWSKI. Do you know, Mr. Smith, for a fact whether any of the three people shown in the photographs that you have provided this committee have currently any evidence with regard to Americans being held in Southeast Asia?

Major SMITH. Yes, sir, that is exactly what I am told.

Chairman MURKOWSKI. Have they seen them?

Major SMITH. Yes, sir.

Chairman MURKOWSKI. How can we——

Major SMITH. Now, the only individual that I have ever tried to approach personally is the fellow with the rifle there, which I stupidly at that time, and that was 1981, I stupidly at that time went up there dressed in my regalia as a Special Forces officer.

Chairman MURKOWSKI. 1981 is the last time you talked to him.

Major SMITH. No, sir. I attempted to talk to this gentleman in 1981, but he declined.

Chairman MURKOWSKI. That is the last contact you have had with him?

Major SMITH. Yes, sir, last personal contact. It is the only time that I have ever seen that——

Chairman MURKOWSKI. Would you know where to contact him now?

Major SMITH. Sir, I know the sources to go through to contact him. I know who he deals with in the Thai military. I know who he——

Chairman MURKOWSKI. Do you know what kind of a bracelet he is wearing?

Major SMITH. No, sir, I don't. The only thing, he is wearing——

Chairman MURKOWSKI. Do you know if it is a bracelet?

Major SMITH [continuing]. A jade Buddha around his neck. I don't have any idea, sir.

The only thing that I know about this particular individual is that he was accompanied by anti-Communist indigenous troops at the time that I attempted to make contact with him.

Also, I might point out, the M16 rifle that he is carrying, for anyone who is not affiliated with the military, either an invited ally of Thailand, someone who comes into Thailand at the invitation of the Thais, or the Thai military or the Thai police, to be carrying that particular rifle right there, I believe that if you will check with the Thai Embassy here in town, or even with DIA, you will find that that is considered in Thailand to be a war weapon.

If that guy came into Thailand carrying that rifle, he is subject to due. Fact of life. That is the penalty.

Chairman MURKOWSKI. Will you provide for the committee at this time how to contact the source that can find out where this gentleman can be reached so that we can——

Major SMITH. Sir, I have agreed, and I think Mr. Principi can elaborate on that——

Chairman MURKOWSKI. Well, I want to keep this as public as possible. I know you have sources, but I would like——

Major SMITH. I understand that you have——

Chairman MURKOWSKI [continuing]. For the record your reference——

Major SMITH [continuing]. An upcoming trip. I have agreed——

Chairman MURKOWSKI. I beg your pardon?

Major SMITH. I understand that you may possibly have an upcoming trip. I have agreed to attempt to, during the time that you spend in Southeast Asia, to set up a meeting between these sources and members of this committee.

Chairman MURKOWSKI. Well, I hate to wait that long and I hate to address the concept of perhaps a trip. This, I am sure you would agree, is an item of the utmost urgency——

Major SMITH. Yes, sir.

Chairman MURKOWSKI [continuing]. And I can't be satisfied with putting it off for a scheduled trip. If you have some information and you don't want to make it public, then I would urge and beg and beseech you to move on it now so we can initiate the process to locate these people.

Major SMITH. Well, sir, if that is the case, then I would certainly beg and beseech you to look at the intelligence report that this committee was provided that shows what happened to the last Thai general officer who provided this military officer information when his name was provided to the Defense Intelligence Agency. He was revealed in front of his commanding general as a source of that information and as being a spy for the U.S. Government. That is the problem that I face.

Now, in closed session of whatever, I am sorry, people talk to me because—there is only one guy, one general officer and two dead indigenous sources who I have ever revealed——

Chairman MURKOWSKI. Mr. Smith, you are going to have to identify names for us. Otherwise, I just can't continue this line of dis-

cussion, because it just doesn't get us anywhere. Now, we are either going to have to go into executive session, which I would much rather not do, because—you know, you are generalizing on things that you know about and you are leaving out the names and the background and the material, and I can't relate to that, nor can the rest of the committee. We have to have something substantive, names, dates, places, people, so that we can——

Major SMITH. Yes, sir.

Chairman MURKOWSKI [continuing]. In turn communicate back to those that are responsible for the intelligence of this country.

You and I have had these conversations time and time again——

Major SMITH. I know, except I——

Chairman MURKOWSKI [continuing]. And you are here because——

Major SMITH [continuing]. Already informed you of what happened to——

Chairman MURKOWSKI. Well, I know, but you are going to have to make a decision yourself whether you are going to provide this information to the committee or not. I can't help with your contention of what has happened to others. I can assure you that this committee is interested in factual information that will initiate some action.

Now, if you had been able to provide us with that film, that would have been able to initiate physical action, a response, identifications of people, places, things, such as we have in these pictures. To date, we have three pictures. We don't—we can't contact any of them unless we go through you. I urge you to contact them, I urge you to use this committee, I urge you to go to individual Members of the committee.

I am sure if you reflect on the fact that we have been through seven hearings, we are still waiting to initiate a first cause of action for recovery. The point has been made time and time again as to the attitude of the House Members, and I personally don't see that it is any different than the attitude of the members of this committee. We assume there are Americans living. I don't see House Members initiating an action for recovery. I wish to God they would. In the meantime, we are continuing and plodding, and, please, if there is anything that you have that would lead us to take action, why——

Major SMITH. Sir, I provided to Senator DeConcini, which I do not know, maybe Mr. Principi can pass this on, a 50-point paper that includes the names of Americans that I have intelligence, I have received intelligence information. It also provides the sources in general terms, either the U.S. Government or the ethnic group that provided that information or an individual that provided that information.

Chairman MURKOWSKI. In your opinion, is this conclusive proof that American POW's are alive in Laos or Vietnam or elsewhere in Southeast Asia today?

Major SMITH. Sir, the only conclusive proof would probably, I feel—that we would have been able to obtain—I don't believe that a videotape is conclusive proof of the existence of live American prisoners of war.

If I may just say something about that videotape which may be of assistance to you, sir. I provided to Lieutenant General Perroots enough specifics on that videotape as far as terrain, items of interest, to include one manmade object within that videotape that this country has no excuse for not verifying through national technical means, quite simply because the particular object——

Chairman MURKOWSKI. Can you tell us what it is?

Major SMITH. Yes, sir. I described in detail the one prison camp. I described in detail the sequence of the film, where it started, where it ended up. Also, the mining operation I described in detail, these mines being of the type that imagery by either satellite or by SR-71 could certainly reveal that it is there. That is undeniable.

I provided the name and the unit designation of the Communist unit that was providing security for those prisoners. I provided the description of the prisoners, how they were held. More importantly, the terrain itself, the nationality of the prisoners, all these things that I provided to General Perroots, I believe that General Perroots will be able to verify by using national technical means. I see no way around being able to verify it, since the route of march was provided.

Chairman MURKOWSKI. Well, we will ask General Perroots, obviously, those questions.

Major SMITH. I would appreciate that, and I have no doubt in my mind that General Perroots is attempting to verify that information.

Chairman MURKOWSKI. Why did you ask Obassy to make the film?

Major SMITH. Sir, initially what I asked Obassy to verify—I had a disagreement with our debriefers in Korea about the—there have been so many rumors about mining caves in Laos, especially in the northern part of Laos, that I asked Obassy to verify the existence of mining operations, from what I had learned from the Thais, and from Laos sources of timber operations in northern Laos. Obassy agreed to do that and to provide imagery of the mining operations and of the timber operations using slave labor.

At that particular time, I did not know that the film would contain American prisoners of war. At the time it was merely a point of debate between myself and those who debriefed me on the very existence of the mining operations, the timber operations and of the——

Chairman MURKOWSKI. Well, if the tape was made for you, why did Obassy/Gregson refuse to give it to you?

Major SMITH. In order to pass even into this particular part of Laos and to either conduct business or to gain information, one must gain the agreement of various groups, and I think that is what we are dealing with here——

Chairman MURKOWSKI. Yes, but my question was a little different. It was rather direct. I am wondering, since you asked him to make film, why he wouldn't give it to you?

Major SMITH. I asked him to make the film, he brought the film, a portion of that film here to the United States in—I mean, to be completely frank with you, if I had that full film sitting in front of me, as I did in Beirut in early this year, regardless of the environ-

ment that I happened to be in at that time, I would have taken the film and taken my chances. I regret that I did not do that.

Chairman MURKOWSKI. But it was your film. Why——

Major SMITH. No, sir, it was not my film.

Chairman MURKOWSKI. It wasn't your film?

Major SMITH. I asked this man to do it. He is the man that went into Laos, I didn't.

Chairman MURKOWSKI. OK.

Major SMITH. Contrary to the——

Chairman MURKOWSKI. He wouldn't give you the film.

Major SMITH [continuing]. Charges that were lodged against me at one time.

Chairman MURKOWSKI. He wouldn't give you the film, is that right?

Major SMITH. No, sir, he wouidn't. Only in exchange, as I attempted to bring out in the first closed hearing, only in exchange for support for the people who wanted to take certain actions against the Government of North Vietnam.

Chairman MURKOWSKI. Is Gregson still in the United States?

Major SMITH. Sir, I don't know. The last person to see him, I believe, was Mr. Waple. To tell you the truth, I have danced with that bear in Beirut, in the United States, in Thailand and in Singapore, and I just——

Chairman MURKOWSKI. Would Mr. Waple care to advise the committee whether or not he is knowledgeable as to whether Gregson is in the United States?

Mr. WAPLE. As best I can tell, Senator, Mr. Obassy is no longer in the United States.

Chairman MURKOWSKI. No longer in the United States? Mr. Waple, do you know where he is?

Mr. WAPLE. I do not know.

Chairman MURKOWSKI. Mr. Smith, that's it, then?

Major SMITH. No, that's not it.

Chairman MURKOWSKI. Do you know where he is?

Major SMITH. No, that's not it at all. I am quite sure that Sergeant McIntire is working—I have asked Sergeant McIntire to work that particular side of the house for a while because, quite frankly, as I expressed to Mr. Obassy and to Mr. Waple and to Sergeant McIntire, I had about reached the end of my—I am not a patient man, as may have been evidenced in front of this committee, and I was reaching the point where, if I even though Gregson had—or Obassy had that film in his bag, I would have taken whatever action was necessary to get it. And I just did not feel that, since I saw this thing, I know it exists, that for my own benefit and for the benefit of obtaining this particular evidence, that I should be the individual dealing directly with this guy because, quite frankly, my patience has run out with him. We still as a group pursue this particular information, but I don't intend to go to jail because someone pushed me to the point where I decided that I would take a chance on him having it in his possession.

Chairman MURKOWSKI. Is it possible that you could get a copy of the film from someone else, or are we——

Major SMITH. Yes, sir, we are——

Chairman Murkowski [continuing]. Strictly dependent on Obassy?

Major SMITH. I have talked to a number of different groups who are depicted in that film and I am in direct contact with some of those groups, and I think that there is a—since it was made for their benefit, also—I believe that we have an opportunity to do that.

Chairman MURKOWSKI. Can you give us any more information more specific on how you can get the film from another source?

Major SMITH. Only that we are attempting to do that, sir.

Chairman MURKOWSKI. Any help that we can provide you?

Major SMITH. At this point, sir, I think that I will—I will certainly keep this committee informed——

Chairman MURKOWSKI. We would appreciate that.

Major SMITH [continuing]. As to our progress on that.

Chairman MURKOWSKI. You know, there was a little static about an alleged leak out of this committee, and I think the record speaks for itself, because you are aware that before the committee gave the identity of Gregson/Obassy, it had appeared in *Inside* magazine. And one of the representatives', in the House of Representatives, administrative assistant had released and it was published in the *Minneapolis Tribune* prior to our hearing where it was made public, and I want to make sure the record reflects that because there has been a lot of confusion. And if anybody in the audience would like to see documentation of that, the committee would be happy to provide copies of the *Minneapolis Tribune*——

Major SMITH. I, also, in that vein, Senator——

Chairman MURKOWSKI. I beg your pardon?

Major SMITH. I, also, in that vein——

Chairman MURKOWSKI. Let me finish, because this is a point that some of the groups have taken the committee on for leaking information, and I want to make sure that everybody understands that this information was public prior to the committee identifying that Gregson/Obassy were the same person, and I refer specifically to the *Inside* magazine, and we have the date of the article that appeared prior to the hearing, and the Minneapolis newspaper where there was an account of the videotape referenced by a member of the House staff. So let the record so indicate.

Major SMITH. I think, also, the leak was not only about the identification, but also about the contents of the film. Furthermore, I think it has become rather well known that a gentleman by the name of Lt. Comdr. Frank Brown also provided some input as to what people wrote about that. I am told that Frank Brown now is in Subic Bay, the Philippines. I am told that Frank Brown now, though I would imagine if you checked is a Medical Service Corps type in the U.S. Navy. I don't think that has always been Frank Brown's job. Frank has been a source of information, a conduit for information, taking basically proadministration positions for a number of years and providing them to various publications.

I would suggest to you that perhaps if you would like, and most certainly you may want to encourage the Naval Investigative Service to do so, that what Frank Brown, regardless of whether or not—he is a dentist—did, when he contacted a civilian publication with that information, as an officer in the U.S. military, he is in

violation of military regulations and in violation of the National Security Act, and I would assume that at some point after proper investigation, if that is proven, that Lieutenant Commander Brown will be charged and tried by court martial.

Chairman. MURKOWSKI. Well, I appreciate your providing that certain information for the record.

I am going to call on Representative Bilirakis to question the witness. Before I do, on the conclusion of his questioning, I would adjourn the hearing until 2. I am going to leave. I have a chairmens' meeting at 12:15.

Representative Bilirakis, if you would be so kind as to go ahead and proceed with your questioning and then recess until 2.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Chairman MURKOWSKI. At 2 we will hear from the Defense Intelligence Agency which will complete the hearing witnesses for the day.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I appreciate your extending the courtesy to me to allow me to——

Chairman MURKOWSKI. Excuse me. Before that, I do want to thank Mr. Smith and Mr. Waple, and I assure you, Mr. Smith, that I will initiate any action that will lead to further information relative to the freeing of those—of our personnel that are missing in Southeast Asia and I will work personally with you to achieve that end.

Major SMITH. I thank you, sir.

Chairman MURKOWSKI. Thank you.

Mr. BILIRAKIS. Well, thanks, Mr. Chairman. I started to say I appreciate your courtesy in allowing me to be involved here in spite of the fact that I have come in late. I am on the Subcommittee on Oversight and Investigation of Energy and Commerce which has been investigating the Michael Deaver's situation. We had an executive session this morning where we decided unanimously to make recommendations to the Federal prosecutors investigating Mr. Deaver and some of Mr. Deaver's testimony to our committee, and that took this long.

Mark, you are an American hero, and I mean that sincerely, and we all look up to you and we all look up to your testimony, the things that you have to say. It is very meaningful to all of us. It is very meaningful to this committee, it is very meaningful to the American people, certainly very meaningful to the families of the MIA/POW's. And I am not for one moment insinuating that you have not lived up to that image, don't get that impression.

I know that an awful lot has been made about the leaks, if you will, regarding Obasey. My gosh, this man seems to be an internationally known individual, and, by gosh, his name being leaked by this committee has turned him off and scared him half to death. That is ridiculous. All it is is just rationale. All it is is just, I think, supporting the fact that the man never intended to come before this committee in the first place. That is the way I look at it. I may be wrong. You know him personally and I don't. Everything that I see about this guy and everything that I read about him, there is no way that one little old leak out of this committee, inadvertent and what not, was going to change the entire concept of what he was going to offer this committee.

Am I wrong in my thinking?

Major SMITH. No. I think you—but you are misinformed in one way, and that is this, sir: That down through the years, all sources of information have not always been cooperative.

Mr. BILIRAKIS. I appreciate that.

Major SMITH. But I have done very well, be it with senior officers of a foreign power or whatever, because it was my job, not because I enjoyed it, but I have done very well with senior officers of a foreign power or with the Obassys of the world or with, quite frankly, somebody's female companion who may have information. I don't care what it takes, I go and get the information.

Now, I felt I had Obassy backed into a corner and got him here to Washington. What the leaks did was give this guy an excuse not to do—we let him out of the corner, that's what happened. Not so much that this guy was not known. My God, the DIA provided me with the name of this individual as a source of information who would not work with Americans and I was successful in getting this individual to work with us.

Mr. BILIRAKIS. Well, but was he really working with you or was it——

Major SMITH. Certainly.

Mr. BILIRAKIS [continuing]. Just merely going through the motions?

Major SMITH. There was no going through the——

Mr. BILIRAKIS. I can see in your heart, also, you have the same kind of hope that many of us have and many of the families have. Was he really working with you? Are you satisfied honestly that he was going to appear before this committee and furnish us——

Major SMITH. Oh, yes, sir, I was——

Mr. BILIRAKIS [continuing]. With information?

Major SMITH. I was satisfied of that. No. 1, he came here, and it was not easy to get him here.

Also, you have to understand that back in the 1981 to 1984 timeframe it was very much easier for me to deal with the individuals such as this gentleman simply because, as an official representative of the U.S. Government at that time, I could bring certain pressures to bear through our allies, through our friends, on an individual. If you go in here to do business, into this denied area to do business, if you don't bring me information, I can fix it so you never go there again. That type of thing.

I am convinced, certainly, that the individual was coming here to provide this committee information. I am totally convinced of that.

Mr. BILIRAKIS. Well, do you—have you personally seen the film in question?

Major SMITH. Yes, sir, I have.

Mr. BILIRAKIS. Have you seen it from beginning to end?

Major SMITH. Yes, sir, I have.

Mr. BILIRAKIS. The entire thing.

Major SMITH. Yes, sir.

Mr. BILIRAKIS. All right. Now—because Congressman Hendon, who I know has told me personally and told others of us who have been over to Southeast Asia, I guess it was Bangkok—you saw the film, I don't know, somewhere over there.

Major SMITH. Singapore, sir.

Mr. BILIRAKIS. Singapore, all right. But he didn't see the entire film.

Major SMITH. No, he didn't.

Mr. BILIRAKIS. All right. You saw it all.

Now, knowing—well, how can I put this? The significance of strong information, strong evidence, the need for that type of evidence, testimony, information in the film, would that afford Mr. Waple enough of an opportunity to be able to try a case in court, if you will, knowing how important that is, right? Because otherwise we are continuing to give false hope, aren't we, to an awful lot of people, Mark, you and I and an awful lot of other people, right? And I don't think that is anywhere within your heart.

But knowing the need for that, are you saying and have you previously testified, maybe before I came in today, that you think that the evidence in that film is so strong that it probably would lead to some sort of action on the part of the U.S. Government?

Major SMITH. I think that if we are able to obtain that evidence, as I described to General Perroots, and I am sure that General Perroots would agree, because of the weaponry shown in that film, one can date that film at the very least post-1975 because of the weaponry that the Communist troops possessed in that film. It was not available to them prior to 1975. That, in itself, is something.

The terrain itself did not indicate, even though it was a high intensity area at one time, did not indicate the recent ravages of war which would have been indicated had it been just after the Vietnam war or during the Vietnam war.

Mr. BILIRAKIS. So you would say, then, it took place where? The terrain was located where, then?

Major SMITH. Sir, it starts out—and I would be very happy to privately provide you with the exact locations—or not the exact locations, but the country where it starts out, where it continues on, and the exact sequence of march, the numbers of people involved and who was guarding them, the unit designation of the Communist unit that was guarding the prisoners, the personalities involved from the various countries that were in one sequence of the film attending a meeting that was held in the sequence of this film, what countries they came from and whatever. And I believe that I have already provided that information to Senator DeConcini's staff and I believe also to Tony Principi.

Mr. BILIRAKIS. OK. So your answer, then, to my question is yes, you feel that that film is powerful enough, contains enough meat in it and whatnot, that it would justify—I hate to use that word, I think any hope at all is enough justification, but you know what I mean—that would basically require or mandate action and further performance on the part of the Government?

Major SMITH. Yes, sir. And also I believe—and, again, I believe in the honesty of General Perroots, and I believe that with the information that General Perroots has been given by me as far as the specifics of what are in that film as far as terrain and man-made objects, that General Perroots will be able to, through national technical means, at least verify the existence of those structures and different items that I pointed out to him in that film. And from there, since one of those structures is directly related to the holding of prisoners of war, I believe that General Perroots will be

able to identify, first, the area, and then there is no doubt in my mind that he will then—the large number of Oriental prisoners depicted in this film I think will be pretty hard to just pick up, move and hide someplace. But the means that——

Mr. BILIRAKIS. Are we talking—you say post-1975. Might it be as long ago as 1976?

Major SMITH. No, sir, I don't believe so, simply because the troops in the film who are doing the guarding, their uniforms and the fact that they have certain items of equipment, I think that would be post that.

Also, the presence of two nationalities of people at this meeting would most certainly place it post-1979 when certain events happened in Southeast Asia one country vis-a-vis another country that would be the only reason why this particular group of people would be able to come together in a meeting type scenario.

Mr. BILIRAKIS. All right. Mark, you—I seem to recall, and I may be mistaken, that in some of your previous testimony, at least I have that impression in my mind, you requested that this film be taken or be produced, or whatever the proper——

Major SMITH. Yes, sir.

Mr. BILIRAKIS. Is that right, that was done at your request?

Major SMITH. That is correct.

Mr. BILIRAKIS. That was done by Mr. Obassy.

Major SMITH. Yes.

Mr. BILIRAKIS. Was it done under his direction or done by him personally?

Major SMITH. Mr. Obassy now has denied to various people that he himself did that, quite frankly. There is no—I don't see why he even continues to play a game on that particular part since there is a portion of the film where he is present. I don't know why he takes that position. I can't figure out half the things that Mr. Obassy does.

Mr. BILIRAKIS. Mark, yes, and you are losing confidence in him——

Major SMITH. No, I haven't lost confidence in his ability to do things. I am losing my patience in trying to understand all the variables in his life that preclude him from doing what, to me, is only reasonable and right.

Mr. BILIRAKIS. Mark, when did you request that this film be——

Major SMITH. July 1985.

Mr. BILIRAKIS. 1985?

Major SMITH. I had requested before still pictures of this area.

Mr. BILIRAKIS. Of that area. But in July of 1985 you requested the film. What did You request? Did you request that a film be taken, be made, or did you request films that may have already been——

Major SMITH. When he—no——

Mr. BILIRAKIS. What was your request?

Major SMITH [continuing]. I requested that a film be made.

Mr. BILIRAKIS. Be made, all right.

Major SMITH. Yes.

Mr. BILIRAKIS. So you are saying that the film, then, was made after July of 1985?

Major SMITH. It has a date which I was pretty confident on it running over a 4-day period, as videotapes do, that showed that it was made in the time frame of October of 1985. I always felt pretty confident in that. I have been told by various people that one could take a film and put the date and the times on it—what I had asked him to do was to give me sunrise and sunset, and then the time of the day on the film; thus, DIA would be able to take that film and, by figuring out, beginning morning nautical twilight and sunrise, and then sunset and ENT, and evening nautical twilight, DIA should be able to tell you where on God's green earth that film was taken.

Mr. BILIRAKIS. All right.

Major SMITH. The date was on there. I don't know—I cannot attest to the accuracy of that specific 4-day period even though it is on that film.

Mr. BILIRAKIS. OK. So since you requested it in July of 1985, you think it was taken in October of 1985, then—and you feel that it is powerful enough and evidentiary enough?

Major SMITH. Yes, sir.

Mr. BILIRAKIS. Therefore, are we saying that as recently as late 1985 that film would show us satisfactorily enough that there are American POW's still in that area?

Major SMITH. Absolutely.

Mr. BILIRAKIS. Absolutely.

Major SMITH. Absolutely, and that is also the opinion of my sources in Thailand who also have used Mr. Obassy on occasion as a source of information on the areas that he would travel into. As to the validity—I went to them just a couple months ago and I sat down and talked to them and I described to them, as I have—because I felt I owed it to them. They have—it was their interests that were really involved here, also, and some of their people are in this film. And I sat down with them, I described the terrain, the area, and they were able to pretty well attest to the validity of the presence of certain structures and certain things.

Mr. BILIRAKIS. All right. But the people—so you are saying certain structures and terrain, et cetera——

Major SMITH. Well, these same sources have also—have always attested to the presence of prisoners of war in that particular area, and they are regular military people.

Mr. BILIRAKIS. But does the film show us Caucasians?

Major SMITH. Yes, sir, it does.

Mr. BILIRAKIS. Is there enough in the film to assure us, to satisfy us that there are Americans?

Do you think maybe with the background and the resources available, let's say, to the DIA do you think that there is enough there?

Major SMITH. I would say that the condition of the people that I observed, that if DIA was to use the—there are ways, even if someone has been ravaged by his treatment and by nature, for DIA to use, even if they have to go so far as to go to a forensic anthropologist to make comparisons, come up with whether or not this is probably this particular individual or that particular individual.

I have stated in the past that this was a very hard experience for me when I saw this because of the condition of these people, and I

questioned whether or not—I believe DIA can make an identification.

Mr. BILIRAKIS. Mark, let——

Major SMITH. I do not believe the families could.

Mr. BILIRAKIS. You don't think the families could.

Major SMITH. I don't think so.

Mr. BILIRAKIS. Are you convinced—this is the seventh hearing on this question by this particular Committee, mostly consisting of the four of us who went on the trip, but obviously it is the Senate Veterans' Affairs Committee—are you convinced by now that we are sincere? I mean, are we doing this for publicity back home, et cetera, or are we doing this because we really care, in your mind?

Major SMITH. I think that the vast majority, if not all, of the people on this committee care. I want to say that I think that you are probably in the same position that I was in in December of 1980, which was one who found it much easier to accept what was being put out as far as there not being anyone there left alive. It was a hell of a thing for me personally and professionally, because I may have spoken out and made speeches and gone to parades as a returned prisoner of war, but once the evidence began to accumulate, I certainly had a hell of a lot of soul-searching to do as far as what I had done prior to that time.

I think that one of the most devastating or one of the most devastated sectors of our society when—and I am confident that live American prisoners of war will be coming out of Southeast Asia either with or without the help of the U.S. Government simply because I think other countries will find it to their advantage to make that happen. I think one of the most devastated sections of our society will be not so much the families, but returned prisoners of war, as a group, when we find out that we as a group accepted—not just the party line, but well-intentioned people putting out this "time to put this thing behind us" and we as a group saluted and pretty much went on our way. I think there are some returned prisoners of war who are at this point in time starting to question, and it is a hell of a thing to know that you came back in 1973 and—where we say as a country, "We may have left Americans in Southeast Asia," or where an administration may say "We may have left Americans in Southeast Asia," returned prisoners of war certainly were probably the only people treated as heroes after the Vietnam war. Returned prisoners of war had a platform the day we got off the airplane, and if we had really pushed and cared as much—and a hell of a lot of guys had a lot more excuse than me, I was only a prisoner of war less than a year, guys been gone for 8, 9, 10 years. But I think we are the ones who are going to share some of the guilt on that.

Mr. BILIRAKIS. Who can disagree with your comments? And certainly I agree and we owe so very much to you and your comrades, and hopefully, as time goes on, we can help to make up for it.

I would just finish at this point by saying that you and Sergeant McIntire and a few others have given an awful lot of hope to an awful lot of people.

Major SMITH. Yes, sir.

Mr. BILIRAKIS. But that is not good enough if we only go halfway, and that is why it is just important that you gain a level of confi-

dence in us so that even if it means closed meetings, we have to be able to piece together the pieces so that we can proceed further.

And with that, I would yield to Senator DeConcini.

Senator DECONCINI. Representative Bilirakis, I have to go to a conference that is going on right now, a caucus, but I do want to ask a couple of questions. If you want to pursue this, I will be glad to turn it back to you for 10, 15 minutes. I am sure Mr. Principi won't mind if you wanted to do that. But let me ask a couple of questions.

I understand you went over the film at some length, Major Smith, and I want to just reiterate on the record as we have talked separately, that I believe you. I believe you saw it and I believe what you have told us individually and now on the record here, is what you accurately saw on it. And, as I explained to you in my office on different occasions and my staff, it is so important if you can help us secure this because it will be the evidence that will pursue—our Government will pursue. There is a feeling with this Senator that though our official position is that there very likely or very possibly are live POW's, I want to see that commitment far greater. And I can't criticize our Government for their position now because I don't have that evidence; I just have that feeling inside. You have it, you have seen it. So have you, Mr. Waple, or some of it.

But for the record, let me go over a couple of things that I just want to get on the record here.

Major SMITH. Yes, sir.

Senator DECONCINI. Did you provide to the committee members documentation signed off by Colonel Reeves, Colonel Clements, Colonel Curry, and Major General Leuer acknowledging and authorizing special forces operations by Special Forces Detachment, Korea?

Major SMITH. Yes, sir, I did.

Senator DECONCINI. We have that now and it is part of the record?

Major SMITH. Yes, sir.

[The document referred to is being retained in the committee files.]

Senator DECONCINI. And does that document deal with the entry into, quote, "denied areas by Special Forces Detachments in Korea?"

Major SMITH. No, sir. What that deals with is, it authorizes us to deal with the special forces from the country that is covered in that document who was, at our request, sending recon teams into specific areas to provide human intelligence on——

Senator DECONCINI. Were those denied areas?

Major SMITH. Denied areas.

Senator DECONCINI. So that document did provide some authority to go into those specific, quote, "denied areas," unquote, for the purpose of——

Major SMITH. To encourage and accept information from indigenous——

Senator DECONCINI. Yes.

Major SMITH [continuing]. Sources who we would place into those denied areas.

Senator DECONCINI. What is a denied area?

Major SMITH. Sir, a denied area is a term which is basically used in conjunction with the operations of special forces or Navy seals. A denied area is any area which is not easily or is not accessible to U.S. military forces or to our allies. It is an area that is protected by a force that is hostile to the United States of America.

Senator DECONCINI. Now, that documentation that you have given to us, that is not classified, is it?

Major SMITH. Yes, sir, it is secret.

Senator DECONCINI. It is secret classified information. OK.

Now, was there a formal written agreement between the U.S. Army and the Intelligence Agency giving Special Forces Detachment, Korea, specific intelligence missions?

Major SMITH. Yes, sir, there was.

Senator DECONCINI. Now, is that a classified information, also?

Major SMITH. Yes, sir, that is a secret document. It should be readily available from the Defense Intelligence Agency.

Senator DECONCINI. Do you have that? Do you have a copy of that?

Major SMITH. No, sir, I did not bring that particular document back to the United States. It is a standing Memorandum of Agreement that was signed starting in 1981.

Senator DECONCINI. OK. And now, it being classified, we can't go into the details of it, but you are talking about the standard type of agreement it is. Can you give us, without going into the classification——

Major SMITH. Yes, sir, I can.

Senator DECONCINI [continuing]. As to this particular one, information and who were the signators or might have been the signators of that document?

Major SMITH. Yes.

Senator DECONCINI. And the date of it.

Major SMITH. Yes, sir. That document came about, quite frankly, and I feel no reason at this point in time not to show the genesis of that document, that document came about because in December of 1979 there was a change in the Government of the Republic of Korea. The only organization within Korea that had any forewarning of that happening was the U.S. Special Forces Detachment, Korea. Thus, immediately after our unsuccessful attempt to provide that information to the U.S. Government, there was no channel for us to go through.

Right after that, in 1980, Major General Sennawald, who is now the FORSCOM commander, who was then the J-3 of the U.S. Forces, Korea, after him Major General Moore and then also Major General Leuer, all agreed with and signed a Memorandum of Agreement between the U.S. Forces, Korea, and the Intelligence and Security Command of Department of the Army with coordinating instructions from the Central Intelligence Agency and the Defense Intelligence Agency for the training of indigenous agents for infiltration into denied areas.

Senator DECONCINI. Do you know if the DIA has a copy of that agreement? I will ask them, of course.

Major SMITH. I would assume that the Defense Intelligence Agency has a copy of that agreement.

Senator DECONCINI. Now, to go to another subject, after your various trips to Thailand when you were part of the special forces, did you request satellite photos of Laos, Vietnam, and other areas of Southeast Asia?

Major SMITH. Yes, sir, I did.

Senator DECONCINI. And what were the results of those photos?

Major SMITH. Initially I was told that if we took satellite photos, that when they canted the satellite to take a photo of a specific location, that the North Vietnamese or the Soviets would tell the North Vietnamese what the area was that they were taking a picture of. When I asked SR-71, they said the Soviets knew every time the SR-71 flew.

Every request for imagery on specific locations, to include one that is a six-digit grid coordinates which is accurate to within 100 meters of center of mass of what I contend to be a prisoner of war camp in Laos, were denied.

Senator DECONCINI. They denied every request?

Major SMITH. They denied every request.

Senator DECONCINI. About how many do you think you made?

Major SMITH. Every—well, on the National Geographic map—and I want to explain the National Geographic map that was given to this committee, it is not accurate, and I would not pass out publicly a map that is overly accurate as to specific locations. There is a key to that map.

Every one of those locations, I asked for imagery on——

Senator DECONCINI. You did.

Major SMITH [continuing]. From the Defense Intelligence Agency.

Senator DECONCINI. And they denied it?

Major SMITH. They denied it.

Senator DECONCINI. And they said that the basic or main reason is that the Soviets would advise them that the satellite was coming?

Major SMITH. No, that every time that the satellite canted, whatever that means—this is their term, not mine. I don't have that much experience——

Senator DECONCINI. Well, go ahead.

Major SMITH [continuing]. With the technology. However, I do know, for those who might come up here and tell you that we could not request such things, that we had no problem getting that on areas like North Korea——

Senator DECONCINI. No, my point here——

Major SMITH. Yes.

Senator DECONCINI [continuing]. Major, is you were denied. What did they use as the main reason, again, for that denial?

Major SMITH. The pretext for not doing it was that if we took pictures of a specific location on the ground where we said American prisoners of war were being held, that the Communists would be able to determine that we were doing that, had shown an interest in that area, and would either move the people or kill them.

Senator DECONCINI. OK.

Major SMITH. Thus, we can't verify what you're saying because——

Senator DECONCINI. Who did you specifically ask to take the photos? Was that the chain of command or was it——

Major SMITH. No, sir. That would be through the 501st Military Intelligence Group; initially in 1981 Mr. Phil McMasters and Mr. Mike Sherwood, his supervisor.

Senator DECONCINI. And about how many times did you request that, do you remember?

Major SMITH. I would—every time we had——

Senator DECONCINI. I mean, was it half a dozen, half a dozen or more?

Major SMITH. No, sir, I would say that approximately 60, 70 times probably.

Senator DECONCINI. Sixty or seventy times?

Major SMITH. Yes, sir.

Senator DECONCINI. When you asked them, did you give them any supporting information to why or did——

Major SMITH. Yes, sir, I did.

Senator DECONCINI. You would tell them what you had and why you——

Major SMITH. Numbers of people that were reported to be there. In some locations I gave them names of people that were——

Senator DECONCINI. To your knowledge, did they ever do any?

Major SMITH. Not to my knowledge, sir. I was told they didn't.

Senator DECONCINI. Did you approach the DIA or anybody else with a request for other methods of obtaining photographic evidence?

Major SMITH. Yes, sir. We had, in one specific case we had an agent that—in a Communist controlled area—who was able, in the one case of a specific location you have been given there, where we couldn't get satellite photography, we couldn't get SR-71; thus, we had a gentleman who flew on an aircraft over this particular area on a regular basis. He was willing, if we would provide him with some type of a minicam, and he would be the only—it was a supply, an individual who helped drop supplies to another location on that map, we asked, since he was the only individual in the back of the aircraft to kick supplies to this one location, if I could identify for him on a map, on the route of flight of this aircraft, this other location, we didn't see any problem with training him with this minicam to take aerial photos from the back door of the aircraft.

Senator DECONCINI. And he did it?

Major SMITH. No, sir, we could not obtain the equipment or the clearance to conduct that.

Senator DECONCINI. Did you get other satellite photos for other reasons other than the ones that you requested where you were denied?

Major SMITH. Yes, sir.

Senator DECONCINI. And what were those?

Major SMITH. Sir, prior to——

Senator DECONCINI. What was the purpose of those?

Major SMITH. Yes, sir. Prior to a mission that the Special Forces Detachment, Korea, ran—if you will recall—some years ago there was a shooting by the North Koreans at an SR-71—prior to my agreeing to deploy my troops off the coast of North Korea with high-speed radio equipment, I requested and received satellite and SR-71 photos of the area of North Korea that they were going to

be deployed off of. Their purpose—all my soldiers, and I am very proud to say, were—this organization that had no operational mission, as you have probably heard from various sources, I am very proud to say that the members that did deploy off the North Korean coast prepared to call in air strikes on North Korea should they shoot at the SR–71 again, were all decorated by the U.S. Army, and I am sure they can produce that information for you.

Senator DECONCINI. Do you care to speculate why you were denied the request for the satellite photos when you were in Thailand for the reasons of designating and trying to find these campsites, and yet you were granted when you were dealing in the Korean situation?

Major SMITH. I would say that—on the side of DIA in that particular instance, I would say that the urgency of that particular mission dictated that we receive imagery before I would even agree to deploy any of my troops under someone else's direction.

I would say that the only thing I can figure out, when we are talking about America's highest national priority or what is said to be, is that somewhere along the line—and I don't know where it is—there are people who, as long as you never take that one more step, these people are never going to be there.

Senator DECONCINI. Did you ever have any evidence of that? I mean, did anybody ever say that to you unofficially or otherwise, that——

Major SMITH. Yes, sir.

Senator DECONCINI. Who and what did they say to you?

Major SMITH. I think the most damning indictment of a system is to work for 3 years to come to a point—be encouraged to work for 3 years to come to a point where you say not only am I going to provide you evidence now, but I have a guy who is going to bring some people out for us. That may never have happened. God knows enough people have marched to the Lao border with bags of money. This didn't require money and our allies in that area who supported us were willing to go 7 kilometers inside a denied area to make sure this one happened. They were willing to do that. And to not—to brutally, for merely broaching the subject, to brutally deal with my soldiers and with myself the way that we were by simply asking to go and meet these people who were supposed to come across.

I would say that you can gather information, sir, until you come right up to that point and then somebody shuts it down.

Senator DECONCINI. But you don't—no one told you why they didn't want to do it other than this technical reason of——

Major SMITH. No, sir, and the only person that has told me since why would be in 19– —I went back to Asia, as you may have heard from reading various accounts, I have been described as going with Sergeant McIntire on a private endeavor which was concocted by Congressman Bill Hendon. In reality, the Army, even though I had been retired the day before, called me up and asked me to go TDY, temporary duty, up to help Congressman Hendon, with Sergeant McIntire, to investigate this POW/MIA thing.

When we went back to Southeast Asia during that particular incident, a gentleman came to our hotel—and I have to tell you, sir, I don't know who this guy was. I thought I did, he portrayed him-

self—he had the ID cards of and the brochures of Dr. Larry Ward from Food for the Hungry. But he came—I since met Dr. Larry Ward and I bad-mouthed the hell out of Dr. Larry Ward for a year and a half not knowing that I had not met Dr. Larry Ward, I had met someone else. But he came and told Sergeant McIntire and I that this thing was not good for our country.

Senator DECONCINI. You mean these requests for the satellites?

Major SMITH. No, the return of prisoners of war, the gathering of intelligence information on them.

Senator DECONCINI. What did he say about the request for the satellites, anything?

Major SMITH. He said that no amount of evidence that you could provide would be enough because of the political factors vis-a-vis the Soviet Union at this point in Southeast Asia.

Senator DECONCINI. Yes, I think we talked about that, and I don't want to be short with you on this matter——

Major SMITH. Yes, sir.

Senator DECONCINI [continuing]. But he didn't—you don't have any information of the real reason other than this general reason for the denial of——

Major SMITH. I, to this day, cannot figure out why we were not allowed—in fact, I don't know if—to be completely frank, imagery may be available. They may have, but it was never passed on to us.

Senator DECONCINI. Mr. Smith, I have some questions here dealing with these photos that you supplied us, and we thank the Committee for that, but I understand that the Chairman and others went into those questions.

Major SMITH. Yes, sir.

Senator DECONCINI. If, after reviewing the record, I find that your previous answers address the questions I intended to pose, that will be sufficient.

Major SMITH. Yes, sir.

Senator DECONCINI. And, Mr. Waple, though you are not a witness here, but you have been meeting with Mr. Obassy, I understand, and trying to get the tape, as well as Major Smith, do you have anything to add that we might get them from Mr. Obassy?

Mr. WAPLE. Senator, the only thing I can say on behalf of Sergeant McIntire and Major Smith, I can tell you that I have personally sat next to Major Smith and Sergeant McIntire for days as they attempted to deal with this man Obassy and to prevail upon him to come forth with this film. I, myself, I have done the same thing. To answer your question, we left it with him in a spirit of cooperation. No guarantees were made.

Senator DECONCINI. You don't anticipate something happening, then, from his standpoint of coming up with the tape.

Mr. WAPLE. The only thing I can say with complete accuracy is that I am hopeful that it will, that something will be forthcoming, but I have no deadlines, no guarantees, nothing.

Senator DECONCINI. Did he have the tape with him, do you think?

Mr. WAPLE. I have never seen it. I have not seen the tape in the last several months.

Senator DECONCINI. Very good. Thank you.

Mr. Bilirakis, if you want to ask more questions, I am going to leave.

Mr. BILIRAKIS. Just one quick follow-up.

Senator DECONCINI. When you are through, if you would take it upon yourself to recess the Committee until——

Mr. BILIRAKIS. Two o'clock.

Senator DECONCINI [continuing]. Two p.m.

Mr. BILIRAKIS. Thank you, Senator. It is always great to see you, sir.

Senator DECONCINI. Thank you.

Mr. BILIRAKIS. Attorney Waple——

Mr. WAPLE. Yes, sir.

Mr. BILIRAKIS [continuing]. Did you see the film?

Mr. WAPLE. Sir, I have seen one third of the film twice.

Mr. BILIRAKIS. Only one third of the film twice.

Mr. WAPLE. Yes.

Mr. BILIRAKIS. Contained in that one third, would you an an attorney, a man who is trained to gather evidence and analyze it and grade it, if you will, would you say that the one third that you have seen is powerful enough and contains enough information to basically provide a path for this Government to take regarding this issue?

Mr. WAPLE. It would seem to me that it would at least provide a path, Congressman.

Mr. BILIRAKIS. Well, maybe I misspoke then when we say 'provide a path.'

Is it strong enough so that nobody could then contest the veracity of at least in approximately October 1985 that there are living POW's in Vietnam?

Mr. WAPLE. Congressman, if I had gotten my hands on that film, my plans were to have it first analyzed for its technical integrity, to have it analyzed to be sure that the terrain was legitimate, to have it analyzed to be sure that the shrubbery which was depicted in the film was legitimate.

I don't think I can in fairness answer that question. I agree with everything that Major Smith has said about the film.

Mr. BILIRAKIS. Did you see the individuals in the film, in that one third?

Mr. WAPLE. You must understand, in the one third, 54-minute-long version that I saw once in North Carolina and once in Singapore——

Mr. BILIRAKIS. Did you see the beginning of it, the end of it, the middle of it?

Mr. WAPLE. The same thing twice.

Mr. BILIRAKIS. Which was what: The beginning or the end or the middle, or you don't know?

Major SMITH. It was cut up into different portions where you would have the beginning and then you would have a long erasure, and then you would have some more.

Quite frankly, this guy, he showed Congressman Hendon and Mr. Waple significant things—his point was, "This is what you people asked for to begin with: gold mines and timber operations showing slave labor." He certainly showed that and the units involved and this, that and the other.

I don't know why. I think that a part of it was this guy attempting to toy with representatives of the U.S. Government, too, at one point. I have to say that. As I said, if I——

I wouldn't have seen the entire portion that I saw in Beirut had I—had he not been prevailed upon by the friendly intelligence folks that I described in our closed hearing.

Mr. BILIRAKIS. OK. Now, did you—just one last question: Did you pay this man to have a film taken? Did you tell him that if a film was taken, he would be paid?

Major SMITH. No, sir.

Mr. BILIRAKIS. No, sir, to both questions?

Major SMITH. No, sir.

Mr. BILIRAKIS. He did this out of the goodness of his heart?

Major SMITH. When the——

Mr. BILIRAKIS. I mean, does he just listen to you to that degree when you say, "Hey, I want a film"——

Major SMITH. Yes, sir, he did from 1981 to 1984, he certainly did. I think that it became completely apparent—in order to make this film, I think he had to start serving a number of other masters other than us, and what I initially said and what he told me and what these other people that were involved in this told me was that they wanted this amount of support for what they intended to do in Southeast Asia, which basically dealt with revolution. There is other documentary evidence from other sources that show that that is an ongoing thing.

Mr. BILIRAKIS. And you have mentioned that in closed session, if you will.

Major SMITH. Yes. And what basically evolved, and I consider it to be a tactical error on the part of all of us, and I assume a certain amount of responsibility because I wasn't more adamant, but after we had our meeting and we decided to send a letter to the President of the United States, nobody, with the exception of myself—and I take that point for myself simply because I knew this guy—no one, Billy Hendon, Mark Waple, most people that we dealt with, could believe that this individual would turn down $4.2 million in cash instead of insisting that this money be broken down into the specific items of equipment and this, that and the other that he had requested.

I had even written it in the operational plan for the receipt of the film that I wrote up, I have even written down there so much cash here, so much cash there, so much cash there.

Mr. BILIRAKIS. But the $4.2 million or no amount of dollars was discussed between the two of you initially——

Major SMITH. Not between myself, and also he brought in the other people that were involved and at no time was cash money involved till we got back here and we began to discuss it on our side of the House and no one could believe that this gent, with the way his reputation had been trashed, would ever turn down $4.2 million. Well, he turned down $4.2 million while he was sitting in the can in Singapore, and we had the $4.2 million sitting in the Bank of America and the guy said, "Stick it." We told you what was going to be required to get this film. And anyone that may have told you a different story is blowing smoke because he was not

there and does not know and has no idea what was going on. That is how it went down.

Mr. BILIRAKIS. I guess we have to——

Mr. PRINCIPI. Mr. Bilirakis?

Mr. BILIRAKIS. Yes.

Mr. PRINCIPI. I would like to follow up on one question.

Who provided the money or who deposited the $4.2 million in the Bank of America, if you can reveal the source, and at any time did anyone try to withdraw that money and provide it to Mr. Obassy?

Major SMITH. The arrangements for that money to be provided were through Lieutenant General Perroots, and I am sure Lieutenant General Perroots will be able to address that for you.

Mr. PRINCIPI. Thank you.

Mr. BILIRAKIS. And where is that money now?

Major SMITH. That money is back to its rightful owner.

Mr. BILIRAKIS. Back to its rightful owner.

Major SMITH. Yes, sir.

Mr. BILIRAKIS. Immediately after this man said "Stick it," the money then, basically shortly thereafter, was returned?

Major SMITH. No. Immediately after he said stick $4.2 million, he suddenly ended up in jail in Singapore, and then the offer was made that if he would produce the film, they would give him his $50,000 bail money. He again said, "Stick it," and we made other arrangements to assist him—for which, by the way, he signed a note—to get the man out of the can.

I find the circumstances of his incarceration much—coming out of a meeting with a United States Congressman where he was just—where he had just turned down $4.2 million, to produce that piece of evidence, I find his circumstances of going to jail shortly thereafter to be a little bit more than coincidental.

Mr. BILIRAKIS. In spite of the fact that this man has a history of—

Major SMITH. I would say that this man right here—I have with me, Congressman, an article from 1977 from Cargo Clan, which is a subsidiary of Cathay Pacific Cargo, Cathay Pacific Airlines, which details the fact that much to the opposite of what you may have heard from numerous people about this particular guy, that he at that time, prior to his providing the initial pictures of live Americans in Southeast Asia, which I discussed in closed session, that being the pictures you have heard about of 22 different Americans—that also came from this individual. I gave the name to DIA and also to the Army's Inspector General of the gentleman that he provided these pictures to. I am sure their investigation is continuing. This individual at that time was the head of an organization called Robin Industries which controlled 21 different companies which produced 85 products for export from the Kingdom of Thailand.

I would say—and you are welcome to read this and check the veracity of this—I think that this individual was probably not always the con man, and this, that and the other, that he has been made out to be.

Also, I would—you know, people take a lot of what someone gets up and says about someone for granted. I contend, and I will contend till the day I die, or die trying, this particular individual, I

never knew this guy. This particular individual was provided to me by the U.S. Government as an uncooperative individual, an individual who went to places and had information that he refused to provide to the U.S. Government. I didn't pull this guy out of a hat. I——

Mr. BILIRAKIS. But his name was given to you by the U.S. Government.

Major SMITH. Most certainly.

Mr. BILIRAKIS. Had you heard of him before that, or had you heard of an individual who might match up with him even though maybe their name——

Major SMITH. I have heard of a number of individuals who might match up with him. My only knowledge of this individual before that were reports back during the Vietnam war of some of the things that this individual was involved with during the Vietnam war.

After I had been provided this individual as an individual to try to recruit to provide information, then when he began to provide good information, I was told this guy never, ever really was in Laos, he had no way to establish these contacts before. That is why I have provided his pistol permits and automatic weapons' permits for Laos pre-1975 to this committee—to Senator DeConcini.

Mr. BILIRAKIS. Mark, I am going to—and you have been so darned cooperative, but I am going to have to cut it off——

Major SMITH. Yes, sir.

Mr. BILIRAKIS [continuing]. For a lot of reasons, one of which I have mark-up over on the other side, too.

That document that you have there, do we have that?

Major SMITH. No, sir.

Mr. BILIRAKIS. Would you make that available to us——

Major SMITH. Certainly.

Mr. BILIRAKIS. Thank you.

And I know that you are always available for subsequent hearings or for contacts and whatnot, and——

Major SMITH. Yes, sir, as long as I am not out of the country.

Mr. BILIRAKIS. As long as you are not out of the country.

Major SMITH. And contrary to the tape that you hear when you call the National League of Families, I have never had any intention of dodging this hearing and I don't think anyone has really had any trouble getting ahold of me for this hearing, and I don't know where they got their information, but I hope that they will square that tape away today.

Mr. BILIRAKIS. Thank you, Mark.

Thank you, Mr. Waple.

Mr. WAPLE. You're welcome.

Mr. BILIRAKIS. The hearing is recessed until two o'clock.

[Whereupon, the hearing was in recess.]

AFTERNOON SESSION

[The committee convened at 2:06 p.m.]

Chairman MURKOWSKI. I would like to bring the hearing back to order and ask the officer at the door to urge those that are outside to please come in and be seated.

I would ask that Brigadier General James W. Shufelt, U.S. Army, Deputy Director, Defense Intelligence Agency, come to the witness table along with Mr. Warren Gray, analyst, Defense Intelligence Agency. If you would stand be sworn.

Do you swear to tell the whole truth and nothing but the truth? If so, please signify by saying "I do."

General SHUFELT. I do.

Mr. GRAY. I do.

Chairman MURKOWSKI. Thank you, gentlemen.

Do you have an opening statement at this time that you would care to make concerning the matters that have been discussed here this morning by the other witnesses or some general summary or effort to put some perspective on the matter that this committee is hearing?

STATEMENT OF BRIG. GEN. JAMES W. SHUFELT, U.S. ARMY, DEPUTY DIRECTOR, DEFENSE INTELLIGENCE AGENCY, ACCOMPANIED BY WARREN GRAY, ANALYST; AND COL. HOWARD HILL

General SHUFELT. Mr. Chairman, I will not make an opening statement per se. I would just like to mention for the record that I brought Mr. Gray along today because he represents the type of analyst that we have working in our shop. He has had 20 years of active duty, he was both an enlisted special agent and an Army intelligence research officer. He was an intelligence advisor to the Thai Supreme Command Headquarters in the late 1960's, a battalion and group intelligence officer in Vietnam in the 1969–1970 time frame; came back, was a military intelligence company commander at Fort Bragg in the early seventies, served with the Joint Casualty Resolution Center in the middle seventies, and then joined the Office of the Assistant Chief of Staff for intelligence of the Army from 1974 to 1981; and then finally, in 1984 joined us. So he has been with us for about 2 years, with a strong background in counterintelligence, area studies, intelligence analysis and the Thai language.

And he typifies both the military and the civilian that we have working in the shop.

And with that, Mr. Chairman, I would just answer your questions about any of the subjects or any of the things that you heard this morning or that you would like to bring up on the issue.

Chairman MURKOWSKI. Thank you, General Shufelt, I appreciate that.

I wonder if you could indicate for the record the capability of the intelligence community under your charge that is dedicated and committed to the issue of the MIA/POW and some idea of the funding that is being spent on it.

General SHUFELT. The funding that is directly associated with this in DIA itself, sir, is a minimal amount of money because it is essentially the salaries and the housekeeping that goes into the maintenance of a 28-man shop, which, of course, is a 50-percent increase in size from about a year ago.

The cost of what we do in terms of collection would be difficult to assess because it is being done throughout the intelligence commu-

nity and it consists of all of the collection disciplines, that are available to the total intelligence community, both in DIA, CIA, and elsewhere. I don't think there is any one figure that anyone has ever compiled and said, "This is the cost dedicated to the collection and analysis activities that go on in this area."

Chairman MURKOWSKI. But you did increase your staff.

General SHUFELT. Yes, sir. The staff has, in fact, increased by 50 percent since General Perroots came on board last fall.

Chairman MURKOWSKI. And the decision made to increase that staff and consequently the capability, how did that come about?

General SHUFELT. I think it was as a result of the feeling he had when the announcement was made that he was to be the new Director, and I am sure in talking with a number of his peers in the intelligence community, this subject came up as being one of great importance to DIA and to the national community.

Chairman MURKOWSKI. The point has been made by one of my colleagues on the committee that perhaps a new brush within DIA in the sense of those involved in the analysis might be worth considering simply because of the question of credibility.

Now, are you implying that with the doubling of personnel, that, say, there are 14 that weren't involved previously in the development of intelligence concerning MIA/POW's?

General SHUFELT. That is true, sir.

Chairman MURKOWSKI. And that reflects, then, that there are new people that are, what, I guess you might say objective on the issue.

General SHUFELT. Yes, sir. In fact, starting with the chief of the office, Col. Kim Gains, who is new since March; behind me is Army Lt. Col. Joe Schlatter who has never worked this problem before but who has a long-distinguished career as an analyst, as well as new civilians that we are hiring that are coming out of either the intelligence analytical world or out of the academic community because they have certain area and language skills that we want, and we are bringing them in and then training them as analysts.

So, in fact, there has been an influx of people into the office.

Chairman MURKOWSKI. How would you respond to the generalization that—well, within the Defense Intelligence Agency, the findings and opinions that have been brought out before have the momentum of having the expression of the Defense Intelligence Agency, so, therefore, they would be reluctant to change internally and adopt any new frame of minds with regard to MIA/POW?

General SHUFELT. I don't think it holds up. If you went down and looked at the office and looked at the new analytical techniques, and the new thrust that we have taken since the first part of the year' the people that have been on board for a long time they are fitting into the new structure very well. The key to those people is they bring a wealth of experience and knowledge about this issue that is invaluable.

We always are charged with attempting to debunk sources of POW/MIA information, and it just doesn't fit. General Perroots gets livid when the charge is raised. The objective of this team of mine and of the Agency is exactly the same as you expressed when you started this morning. The objective is to resolve the issue of live POWs, to do the analysis of intelligence that will give us

timely, current, credible information about the missing in action in order to allow the administration to make decisions on how to proceed to free any missing in action personnel. That is the primary purpose for our being and that is our objective, and it is a daily goal.

Chairman MURKOWSKI. Has DIA had a chance to analyze the materials provided to the committee on July 16 by Mr. Smith?

General SHUFELT. Yes, it has, sir.

Chairman MURKOWSKI. Do you, in your opinion, find that these materials contain proof of evidence of American prisoners in Southeast Asia?

General SHUFELT. The packet, sir, contains absolutely no proof of live American prisoners being held in Southeast Asia.

Chairman MURKOWSKI. How about evidence?

General SHUFELT. No, sir. The entire package, including the copies of maps with the cities circled which was discussed earlier, holds no special significance to the issue that we are dealing with. They don't support Major Smith's claim that Americans were held there during the period 1981–1984. In fact, it looks like most of the cities in Southeast Asia have been identified: Vientiane, Hanoi, Saigon, Son Tay, Sam Neua. In fairness we know from past reporting that Americans were held in Son Tay, but not after 1973 and certainly not during the 1981–1984 time frame.

So we see that Major Smith's package contributed nothing to the furtherance of our objective, nor does it resolve any outstanding questions in our minds.

Chairman MURKOWSKI. In the testimony given by Mr. Smith to the Committee on July 16, is there anything in that that would lead you to believe that further follow-up would be necessary to reach a conclusion as to whether or not there may be some validity or there may be some evidence or there may be some proof? For example, an issue that comes to mind that wasn't exactly relevant to that hearing was the issue of the videotape which we have heard a good deal about.

General SHUFELT. The videotape, sir, is an issue that has been in the forefront for us since late February and our position, and General Perroots' position, all along in the intervening months has been that we support any endeavor to get any information that will give us evidence of live American POW's. We have done nothing to inhibit any effort to acquire that film. In fact, General Perroots, as I recall in a public statement, said if the film were available and in someone's hands and it took an airplane to get it back here to the United States, he would provide that airplane to get the film back here.

So in the intervening 6 months, we have waited patiently, but rather frustratedly, to get that film, and continue to do so.

Chairman MURKOWSKI. Do you have any reason to believe that there is a film?

General SHUFELT. I have no evidence and no reason to believe that the film exists.

Chairman MURKOWSKI. What was the basis in your examination of the amount of money that was allegedly to be placed in a Singapore bank? Do you have any knowledge of that?

General SHUFELT. When Major Smith mentioned that $4.2 million had been placed in a Singapore bank, that essentially was news to us.

Chairman MURKOWSKI. What?

General SHUFELT. That was news to us, sir.

Chairman MURKOWSKI. Whether that was placed in the bank?

General SHUFELT. That it was placed in the bank, and also he indicated, I believe, that General Perroots had some hand in putting the money there or had authorized the money to be put there, and that is simply not true.

Chairman MURKOWSKI. Was the money placed there?

General SHUFELT. Not to my knowledge, sir. I am not aware of it.

Chairman MURKOWSKI. Where was the money going to come from, what source?

General SHUFELT. I have no idea, sir. The U.S. Government has stated repeatedly it would not pay for information and the U.S. Government was not Providing $4.2 million.

Chairman MURKOWSKI. Do you know who paid for Smith and McIntire's trip to Southeast Asia?

General SHUFELT. No, sir. We did not and I don't know who did pay for it.

Chairman MURKOWSKI. Have you had an opportunity to examine the copies of the pictures that were presented to the Committee as a result of the July 16 hearing?

General SHUFELT. Not the latest set, sir, but I did examine and my people did examine the set that you were actually given on the 16th, or copies of those.

Chairman MURKOWSKI. Now, there are three pictures.

General SHUFELT. Yes, sir.

Chairman MURKOWSKI. One shows three gentlemen, one shows an individual carrying an M16, the third one appears to be in a room.

General SHUFELT. Yes, sir.

Chairman MURKOWSKI. Have you been able to identify any of the background, the room, the individuals, anything unusual about—whether there is a bracelet on one of the gentleman or a wristwatch? Is there anything that you can tell us as a consequence of your intelligence about these pictures?

General SHUFELT. From my perspective, sir, there was no intelligence that could be gleaned from the pictures. The pictures themselves have no relevance to anyone that we are aware of. I think we were told by someone that in the picture of the three gentlemen, the one on the right may be John Obassy, but I have never seen a picture of John Obassy so I have no idea whether that is Obassy or not.

In terms of our investigation of the issue, those pictures simply do not contribute anything toward the resolution of either the videotape or of any of the sources that we have dealt with or any of the people that we deal with in Southeast Asia.

Chairman MURKOWSKI. I have a vote and I am going to ask that Mr. Principi continue with the questions and I will be back as soon as I can. I am going over to the floor.

Mr. PRINCIPI. General, can you tell us where these photographs were taken? Have you done any analysis whatsoever with regard to

these photographs to say that they were taken in Laos or Thailand, other than they just don't provide us any evidence at all? What do they show?

Mr. GRAY. We have no idea where the pictures were taken.

Mr. PRINCIPI. Well, I heard from someone from DIA that it was possible that they were taken along the Mekong River looking into Laos from the Thai border.

Mr. GRAY. That is certainly very possible. I have been on the Mekong River looking into Laos. I can't say that is the Mekong River. We simply have no way to tell.

General SHUFELT. There simply are no identifying characteristics in those films, either in terms of buildings, monuments, statues, facilities that really give you an indication of anything.

Mr. PRINCIPI. I am just surprised that someone would mention to me that those mountains or those ridges or mountains in the background is Laos and that is the Mekong River, and I am sure someone from DIA mentioned that to me or someone from Mr. Wolfowitz—not Mr. Wolfowitz—Mr. Armitage's shop, Col. Howard Hill mentioned it to me, I believe.

The package provided on July 16 contains a letter from Representative Hendon stating that Mark Waple was acting on behalf of the U.S. Government. What is your understanding regarding this assertion?

General SHUFELT. My assumption all along has been that Mark Waple is acting on behalf of his client, Mark Smith. That letter surprised us. I have never seen that letter before, had no knowledge of that letter before, and just simply was not aware of its existence.

Mr. PRINCIPI. Mr. Waple further stated, and I believe Mr. Smith stated under oath, that there was $4.2 million in the Bank of America in Singapore. In further discussions he indicated that Representative Hendon was the only one who was permitted to withdraw that money.

Do you have any—I know you stated to the Chairman that you had no information with regard to that $4.2 million, but were there ever any discussions about another private individual furnishing those kinds of funds to Mr. Hendon for the videotape?

General SHUFELT. Not that amount of money, no.

Mr. PRINCIPI. Does Representative Hendon have the authority to designate a private citizen to act on behalf of the U.S. Government?

General SHUFELT. I am not in a position to answer that question. I don't know what a government lawyer would say, but it is really not in our realm.

Mr. PRINCIPI. Have you had an opportunity to review the xeroxed copies of the permits supposedly issued to Mr. Gregson?

General SHUFELT. Yes.

Mr. PRINCIPI. Can you give us any indication with regard to——

General SHUFELT. Yes.

Mr. PRINCIPI [continuing]. Their authenticity?

General SHUFELT. They essentially are weapons permits and I believe they are dated in 1972. It is highly unlikely that they would have any validity in any fashion once the Communists took over the country in the middle seventies. I doubt very much that those

particular cards could be used for any purpose if he attempted to go in country subsequent to that and more recently, and the chances are that there is a good possibility he might well have been arrested if be attempted to use those cards for any official purpose.

Mr. PRINCIPI. How about pre-1975, though, could it have shown that he had access to the——

General SHUFELT. I would assume so prior to 1975.

Mr. PRINCIPI. Do we have the capability to determine whether they are in fact authentic, they are what they purport to be, gun permits issued by the Lao Government at some point in time?

Mr. GRAY. Sure, they can be checked out. The individual who signed the second card is named Luanglat. He is located in Paris. He can be located.

Mr. PRINCIPI. Do you intend to do that or is that part——

Mr. GRAY. No. We know Mr. Gregson was in Laos in 1972 when these permits were issued. They don't necessarily indicate that he had access to Laos based on these permits. But he was working in Laos with a firm, I believe it was Getz Brothers or someone.

Mr. PRINCIPI. Does DIA have a photograph of Mr. Gregson in their files?

Mr. GRAY. We have a photograph of Mr. Gregson that was on his Visa from several years ago.

Mr. PRINCIPI. Although his face is blacked out on the permit, is there any way to determine with your techniques whether the blacked out image on these xeroxed copies is in fact Mr. Gregson?

Mr. GRAY. There is no way to tell, not at all.

General SHUFELT. I think I would emphasize, Mr. Principi, these really are not Visas. These are simply weapon permit cards.

Mr. PRINCIPI. Yes, I understand.

Does DIA maintain a package of information which Mr. Smith stated he compiled and passed on to you at various times?

General SHUFELT. We have had from Mr. Smith or as a result of Mr. Smith's discussions or debriefing in Korea a grand total of the following three intelligence reports that originated from the 501st MI Group in the 1983-84 timeframe.

These reports were subsequently followed by the package which he indicates he gave to General Leuer. As I recall, General Leuer said all he saw was the cover page, but the package was then turned over by Sergeant McIntire, I believe, to what is called JSOC down at Fort Bragg, and then that was forwarded to us.

Other than the package which you received on the 16th, which we have a copy of, that is the sum and substance of information that we have received over the years from either one of those gentlemen.

Mr. PRINCIPI. There was an issue of an original classified report which Major Smith attempted to provide to the T-3 Operations Officer at the U.S. Forces Korea, the subject of which was possible American POW's in Southeast Asia. Does that original classified report ring a bell and, if so, have you been able to locate it?

Mr. GRAY. That is probably the same packet that General Shufelt is talking about that Sergeant McIntire copied from Detachment files. The overall packet was considered a classified document

and this is the document. You said T-3, it is actually J-3, General Leuer was in J-3.

Mr. PRINCIPI. J-3, I'm sorry. Do you have the original of that, Mr. Gray?

Mr. GRAY. Not the original, no. We have the copy that Sergeant McIntire turned in to Fort Bragg.

Mr. PRINCIPI. Was there a Memorandum of Understanding between U.S. Army Intelligence and Security Command and U.S. Forces Korea which directed the Commander of Special Forces Korea to train infiltration agents for deployment into what was described as denied areas?

General SHUFELT. I am not aware of any MOU, but let me answer the question in another way.

One of the basic missions of any special forces detachment from a training perspective around the world, and one of the reasons they were originally created back in the early days was, in fact, to be able to train indigenous forces to go into denied areas, in a generic sense wherever they were established. That doesn't necessarily mean that when the Special Forces Detachment, Korea, physically located in Korea went to Thailand to help train Thai forces that they had the mission of conducting intelligence operations associated with the POW/MIA issue. There was never any connection with DIA on that subject, there was never any mission sent out by DIA to Special Forces Detachment, Korea, and the Detachment itself did not have a mission from within Korea, as I recall from General Moore and General Leuer, to go to Bangkok or to go to Thailand and conduct operations into Laos or anywhere else.

It did have a mission, however, to train Thai forces in Thailand as a routine, regular mission that is assigned to a Special Forces Detachment.

Mr. PRINCIPI. Irrespective of whether it was tied to the POW/MIA issue.

General SHUFELT. Yes.

Mr. PRINCIPI. And to gain intelligence as a collateral duty, as well?

General SHUFELT. Yes. Of course, gaining intelligence is a collateral duty of any soldier in the Armed Forces. And to say that a Special Forces A-Team had as part of its generic mission statement the gathering and reporting of intelligence is not unique and not unusual. That is a standard job description that is given to the members of a Special Forces A-Team. And, incidentally, it is given to every soldier in the combat arms. He knows that if he is in a battlefield and he sees something, he has a job of reporting it.

Chairman MURKOWSKI. Can you explain from the standpoint of the hearings that you have gone back and examined the hearing record of the other various committees that have looked at this issue, your observation of the testimony? We are confronted with the dilemma of coverup. I never had it adequately explained to me the actual motivation. There have been charges of irregularities within the corps, promotion disputes and various other things.

Would you for the record, General, comment specifically on whether, in your opinion, there have been mistakes—we can call them mistakes, we can call them irregularities—that would lead

one to the conclusion that they could assume that they are coverups as opposed to just oversight?

A great deal of the testimony that we have beard infers or charges coverup and it reflects back on 1973, 1975, prior to that, and it is difficult to garner anything substantive and in which to take action on because of that time frame, it has already passed.

General SHUFELT. My sensing as I talk to people and they use the word "coverup" conjures up in my mind an image, and I think it reflects the image that I sense in a lot of the people that I talk to, of a deliberate attempt to deny information to decisionmakers by some level of action officer in the system. In some cases, it is almost described as a coherent effort in that it spans across organizations and that there is a network of people who are deliberately trying to deny this information to the decisionmakers.

Everyone who has looked at DIA in terms of an investigation or an inspection, one of the first things they are asked to do is "Find evidence of a coverup. Find evidence that people are deliberately trying to deny information to the decisionmakers." And every time they do that, the answer comes back that there is no evidence of coverup or conspiracy.

Intelligence is somewhat of a subjective game and, whether you are dealing with POWs or the number of T-80 tanks the Soviets have and are producing and what have you, there are always going to be analytical differences based on the information available between analysts and between intelligence agencies that deal on the production of intelligence. And no one would suggest that over the years the people who have done the analytical work on the POW issue have not always made what in hindsight seems to be the best call on a given piece of information or adequately followed up on a given piece of information back in 1976 or 1978 or 1980. But at no time have any of the people, that have looked at what our people do and how they go about doing it, said that analysis reflects a conscious decision to deny or deceive the decisionmakers and the chain of command as to the information that is available in the data base and that comes into the data base over time.

Chairman MURKOWSKI. Let me divert back to the pictures. I gather, although I had to step out and vote, that you have indicated that you have not been able to identify the pictures, where they have been taken or the people in them or the circumstances.

General SHUFELT. No, sir.

Chairman MURKOWSKI. Have you concluded that effort or is it an ongoing effort?

General SHUFELT. With just those three pictures and the absence of any more information, it is very difficult to go any further.

Chairman MURKOWSKI. What would you suggest the posture of the committee be in view of the fact that it was the intention of Mr. Smith to present these to the committee for action and our alternative is somewhat limited? We appealed to the appropriate agency, which you head, and you have been unable to shed any light. Is that the last course of option available to us?

General SHUFELT. I think it would be very useful if names were provided and, for example, the location of where that room is that the one individual is supposed to be in. As I recall, we had three

different stories, if I am not mistaken, at your last session as to who these individuals were.

Chairman MURKOWSKI. Has anybody on your staff contacted Mr. Smith and urged him to come in and meet with you and identify or try and——

General SHUFELT. At this point, no, sir.

Chairman MURKOWSKI. Is there a reason that you haven't?

General SHUFELT. No.

Chairman MURKOWSKI. Wouldn't that be an appropriate thing to do?

General SHUFELT. Absolutely.

Chairman MURKOWSKI. Do you intend to do that?

General SHUFELT. We will follow up on it.

Chairman MURKOWSKI. Why hasn't it been done?

General SHUFELT. I can't give you a specific answer, sir.

Chairman MURKOWSKI. Well, it would seem that if you have increased your staff and we are both attempting to pursue the same objective, that this would have some reasonable priority on your time.

General SHUFELT. It does, and it will.

Chairman MURKOWSKI. Well, when do you anticipate doing this?

General SHUFELT. As soon as I can, sir. When we finish here, we will contact Mr. Smith and see if we can't pursue it.

Chairman MURKOWSKI. All right. And I assume you will notify the committee.

General SHUFELT. Yes, indeed.

Chairman MURKOWSKI. OK. It disturbs me a little bit that one wouldn't assume that this was something that would require appropriate attention. It would seem that it should initiate its own action because, as you have observed the testimony, as I have, there is a contention that the Defense Intelligence Agency has not seen fit to follow up or contact or whatever, and we can get into those questions a little later, but you heard the allegations this morning.

General SHUFELT. Yes, sir.

Chairman MURKOWSKI. Major Smith stated that one of his chief sources of information was compromised by the Joint Casualty Resolution Center liaison officer. Has there been an effort to debrief this source?

General SHUFELT. I am not sure which source you are talking about, sir.

Chairman MURKOWSKI. Well, it was Colonel——

General SHUFELT. The Thai officer?

Chairman MURKOWSKI. Yes.

General SHUFELT. The Thai officer was contacted in December of 1985. Subsequent to his discussions with Major Smith, he has been promoted, he has been given a command, and he indicates that the only information he gave to Major Smith was some hearsay evidence, and he had stressed at the time that he passed the information that it was hearsay.

Chairman MURKOWSKI. Well, do you know if he corroborated Major Smith's story?

Mr. GRAY. Sir, when he was contacted, he indicated that he had mentioned to Major Smith that they had hearsay information,

hearsay being from a variety of other sources, that they discussed with Major Smith. The Colonel says he emphasized to Major Smith that it was hearsay information, that it was one of many, many reports that the Thai Special Forces have received in the past.

In this instance, Major Smith reported it to Army Intelligence, and they reported it to DIA.

Chairman MURKOWSKI. Major Smith blamed or suggested a responsibility for the death of a source of one of his intelligence reports blaming the DIA. Are you aware of this allegation and——

General SHUFELT. Yes, sir.

Chairman MURKOWSKI [continuing]. And can you explain it to the committee?

General SHUFELT. I can't explain why he makes the allegation. The incident had to do with a crash site of which there were numerous other refugee reports. There wasn't any reason for anyone to go in to that crashsite. Certainly DIA didn't direct any source to go in under Major Smith's control. And, frankly, if there is any responsibility for anything happening to that particular source, I think Mr. Smith has to bear that responsibility.

Chairman MURKOWSKI. Were Smith and McIntire collecting information on the POW issue at the request of the Defense Intelligence?

General SHUFELT. Agency? They were not, sir.

Chairman MURKOWSKI. They were not. Do you have any understanding of the official mission of Smith and McIntire with regard to the POW issue while assigned in Korea?

General SHUFELT. As I understand it, sir, they had no official mission dealing with the POW/MIA issue while assigned to the Special Forces Detachment, Korea. The Detachment did not have any specific POW/MIA mission.

Chairman MURKOWSKI. What was their mission?

General SHUFELT. Their mission in Thailand was simply to train Thai special forces, and in Korea—I can't address specifically their Korea mission. I am assuming that possibly parts of their mission vis-a-vis Korea may well have been classified.

Chairman MURKOWSKI. Between 1981 and 1984 Major Smith, as the Commander, SFDK, requested photo imagery of numerous, which he allege were locations of POW camps in Laos and Vietnam. Was that imagery provided?

General SHUFELT. I can't say whether the imagery was provided or not, sir. There is no reason, first of all, why he would have asked for the imagery, if he didn't have the mission. But the imagery would come up a chain that starts in Korea, and we would have to go back and attempt to reconstruct that period and determine whether or not there, in fact, were requests made for imagery.

Chairman MURKOWSKI. Smith stated that he collected between 190 and 200 photographs relative to the POW issue. Has he turned these over to the Government?

General SHUFELT. No, sir.

Chairman MURKOWSKI. How many do you have from him?

General SHUFELT. The only photos we have from him are the three that he recently provided to your committee and the one moon photo that was turned in by Sergeant McIntire. A total of four photos have been received.

Chairman MURKOWSKI. In his statement, he indicated that he had been able to identify at least 22 different individuals through the photos. Has he turned any of these names over to the Government?

Mr. GRAY. No, sir.

General SHUFELT. No, sir.

Chairman MURKOWSKI. Did you ask for them?

General SHUFELT. As a matter of fact, we asked for some names that were associated with the videotape, and I don't know if those are the 22.

Chairman MURKOWSKI. How was that communicated?

General SHUFELT. Directly, verbally.

Chairman MURKOWSKI. Verbally by whom?

General SHUFELT. General Perroots and myself.

Chairman MURKOWSKI. Do you intend to ask him again?

General SHUFELT. The answer we got at that time was, "I won't provide the names."

Chairman MURKOWSKI. No further explanation.

General SHUFELT. No.

Chairman MURKOWSKI. Because the fact that he stated that he had been able to identify at least 22 different individuals through those photos and your contention that he would not give you any further information——

General SHUFELT. Now, we may be talking about the names associated with the videotape and a separate issue of 22 photographs, neither of which have been provided.

Chairman MURKOWSKI. OK. Well, when you contact him, I think it would be appropriate if you brought this up again.

General SHUFELT. OK.

Chairman MURKOWSKI. Don't you?

General SHUFELT. Yes, sir.

Chairman MURKOWSKI. What action has the DIA or any other entity within the U.S. Government taken to obtain a copy of the videotape?

General SHUFELT. No direct action was taken. Major Smith made it very clear that if the tape was going to be acquired, it would only be through his efforts, and we have simply been supportive of those efforts. As you recall, General Perroots did say at one time he would even provide an aircraft to obtain the tape.

Chairman MURKOWSKI. And that is what you would refer to as indirect action.

General SHUFELT. Yes. I would go one step further by very clearly indicating that we have certainly put no impediments in his way in terms of acquiring the tape. I think there were some suggestions this morning concerning Singapore and elsewhere that certain obstacles had been put in his path in his quest for the film. I can't address whether those obstacles were specifically there or not, but I can certainly tell you that no one in the national intelligence community put any obstacles in his way in his effort to obtain that film.

Chairman MURKOWSKI. Do you have any information as to Gregson or Obassy?

General SHUFELT. The only information we have, sir, is that his name first surfaced on an affidavit in behalf of the lawsuit that

Major Smith and Sergeant McIntire filed last fall in which he indicated that he had seen American POW's.

The second time it surfaced, of course, was in the correspondence that was provided to the President and our discussions with Smith concerning the request for $4.2 million for the film.

Subsequent investigation turned up information that John Obassy was not a U.S. citizen and was, in fact, Robin Gregson. Robin Gregson, in the international police arena, in fact, does have a history of a number of scam-type operations against people both in Southeast Asia and elsewhere.

Chairman MURKOWSKI. Now, you are aware that this Committee has a subpoena for Gregson/Obassy.

General SHUFELT. I wasn't aware of that, no, sir.

Chairman MURKOWSKI. You weren't aware of that?

General SHUFELT. I don't think I was. I knew you had subpoenaed Smith and Waple, but I wasn't aware that you had subpoenaed Gregson/Obassy. It may be Mr. Principi had told me and I have just forgotten about that.

Chairman MURKOWSKI. Well, the facts are we do and have.

Do you know whether he was in the country within the last 3 months?

General SHUFELT. No. In terms of knowing with certainty that he was here, my answer is no.

Chairman MURKOWSKI. Would you have occasion to check aliens coming into the country through the U.S. Customs, particularly when it involved something that is as significant as the alleged——

General SHUFELT. Depending on the circumstances, we could do that. But as you recall, one of the key ingredients of this whole incident involving the videotape, and which was reiterated by Major Smith as he concluded his testimony today, was to give him breathing space to accomplish the mission that he sought which was to acquire the tape. The last thing that we wanted was to do anything that in fact would provide anyone an opportunity to say that we were impeding the effort to acquire that videotape. And so we deliberately avoided doing anything that could be misconstrued as impeding the effort to acquire that tape.

Chairman MURKOWSKI. Do you have the capability now of finding out if Gregson/Obassy did come into the country and left the country?

General SHUFELT. I assume we could do so, yes, sir.

Chairman MURKOWSKI. Do you think that would, in view of his unwillingness to cooperate, would be appropriate to do?

General SHUFELT. We can do that, yes, sir.

Chairman MURKOWSKI. Will you do it?

General SHUFELT. Sure, yes, sir.

Chairman MURKOWSKI. And provide that for the committee?

General SHUFELT. We will.

[The following information was subsequently submitted for the record:]

VISITS TO THE UNITED STATES BY GREGSON/OBASSY

Immigration and Naturalization Service (INS) records indicate that Robin Gregson entered the United States on December 21, 1985 with a 6 month visa. His stated

purpose was to travel to North Carolina and his sponsor was Congressman Billy Hendon. No other entries are reflected in INS files.

Chairman MURKOWSKI. Because I think it is fair to say that Major Smith was a little perturbed with the lack of cooperation from Gregson/Obassy this morning, at least that is the impression I got.

Senator DeConcini?

Senator DECONCINI. Mr. Chairman, thank you.

General, and Mr. Gray, I missed a little bit of your first testimony, but I understand that you testified that you have no evidence of any videotape except what you have heard in these hearings?

General SHUFELT. That is true, sir.

Senator DECONCINI. And that DIA did not participate in any way with any potential financial arrangements.

General SHUFELT. That is true, sir.

Senator DECONCINI. And were you aware—perhaps you answered this question, it was already asked—were you aware of anybody in the private sector being involved in this process, someone who you know——

General SHUFELT. There is an individual in the private sector who has agreed to assist in any way he can in helping acquire information to resolve the issue. Whether or not he made a decision monetarily to support the effort was his personal decision and was taken without any direction or impetus from anyone in the Government.

Senator DECONCINI. Have you had any contact with that individual at all?

General SHUFELT. No, sir. As far as I know, sir, that question has not been asked of him by either General Perroots or anyone else in the Government.

Senator DECONCINI. And no one has talked to him or——

General SHUFELT. Not recently, no, sir.

Senator DECONCINI. Well, during this time frame when Mr. Smith, Hendon, and others, McIntire, were down in Singapore trying to get the tape?

General SHUFELT. We knew after the fact that Congressman Hendon was in Singapore with Major Smith. But in our subsequent discussions in General Perroots' office with Congressman Hendon and Mr. Smith, no mention was made of the fact by either the Congressman or Major Smith that $4.2 million had been deposited in the bank in Singapore.

Senator DECONCINI. In a bank. So that is, as far as you are concerned, fiction.

General SHUFELT. Well, I am not going to call it fiction or fact. I simply don't know.

Senator DECONCINI. You don't know where it came from.

General SHUFELT. I don't know where it came from and I can't verify that at the moment.

Senator DECONCINI. Getting back to the possibility of a private individual being involved, I think it is—not to compromise him, because we don't need to—we are talking about the same person and I will confirm that with you after the hearing. Assuming it is the same person, you or Perroots, to your knowledge, did not talk to him about this financial arrangement vis-a-vis the videotape during

this time frame when McIntire and Smith and Hendon and everybody was in Singapore trying to get Obassy out of jail.

General SHUFELT. To the best of my knowledge, sir, we did not talk to that individual concerning any financial arrangement. General Perroots and I, of course, work on this issue daily.

Senator DECONCINI. Right.

General SHUFELT. We knew only that Congressman Hendon was out of town. We did not know that Major Smith or anyone else was with him or where they were. As I recall it really wasn't until they had returned from the trip, that they came over to the office one morning and discussed the trip. As I indicated, the business of an alleged deposit being made available to exchange for the film if it had been provided and if there was a decision to do that, didn't come up at that point. As I recall, this was due to the fact that Congressman Hendon did not get to see the entire film, but he only saw I think it was about a 55-minute clip which did not show any Americans.

Senator DECONCINI. Do you have an ongoing intelligence file on Obassy/Gregson or Gregson/Obassy?

General SHUFELT. We have information on him, sir, and I suppose, if you put that information in a file, then we have a file on him.

Senator DECONCINI. You have information on him?

General SHUFELT. Yes.

Senator DECONCINI. Going to this subject matter of—Major Smith said that—he has supplied us with a—he will supply us with a copy of the agreement or the orders, I am not quite sure of the term, which provided for their special forces to do intelligence-gathering in denied, quote-unquote, areas. Are you familiar with that particular document?

General SHUFELT. No, sir. The only data that I am aware of is the package that he gave this Committee on the 16th which talks about the mission of the Special Forces Detachment, but does not allude to a specific mission of intelligence collection against the POW/MIA issue.

Incidentally, sir, as far as Army intelligence is concerned, there is no evidence and there is no document that substantiates that there, in fact, was any POW/MIA mission given at that Point.

Senator DECONCINI. Well, if there was hypothetically a mission of intelligence-gathering in, quote, denied areas in the Thailand—in Thailand and adjoining areas, what would you conclude that that might include?

General SHUFELT. If there were such a mission, it might involve the recruiting of agents.

Senator DECONCINI. Of agents to work within the country.

General SHUFELT. Yes, sir. The agents would have to have access to the denied area.

Senator DECONCINI. Well, I am going to share with you, and I will do it after the hearing so it will not be on the record, a document that we have, and I would like, off the record or for me and the Chairman, of course, what your interpretation of this is. Because I find it very difficult, with General Leuer indicating that there was absolutely no mission of gathering intelligence, that the Special Forces were for training Thai soldiers, and it seems to be

that there is some discrepancy here and, for the purpose of myself trying to decide, I would sure hope that you take a look at this document and give me some just professional interpretation of what you think it is, if you would.

General SHUFELT. Yes, sir, I certainly will.

Senator DECONCINI. On February 28, General, General Perroots stated that there were 112 unresolved live sighting reports, 63 of which involved reports of Americans held in captive situation.

Can you provide me with an update, or the record here with an update, on how many have been resolved, how many remain unresolved and how many additional reports of live sightings have been received since the last hearing, if any?

General SHUFELT. Yes. I will have to provide that for the record, sir.

Senator DECONCINI. That would be fine.

General SHUFELT. I can tell you what the current number is, but I can't tell you how many have gone in and out of the category during that time.

Senator DECONCINI. That is fine. If you could provide that for the record, please.

General SHUFELT. Yes, sir.

Senator DECONCINI. Thank you.

[The following information was subsequently submitted for the record:]

NUMBER OF LIVE SIGHTING REPORTS

As of October 1, 893 firsthand live sighting reports had been received by DIA. Five hundred and fifty four reports have been equated to Americans who are accounted for. An additional 191 reports have been determined to be fabrications. The remaining 148 reports are under continuing investigation in an attempt to confirm the information. Ninety of these sightings report alleged Americans in a captive situation.

Of the 893 firsthand live sighting reports, 10 reports have been received from non-refugees, i.e., foreign nationals or U.S. citizens.

Senator DECONCINI. In so doing, would you also task your files or what have you to see whether or not all of these reports come from—exclusively from the refuge communities.

General SHUFELT. Refugee communities?

Senator DECONCINI. Refugee communities, excuse me.

General SHUFELT. Yes, sir.

Senator DECONCINI. Refugee communities.

The Socialist Republic of Vietnam recently turned over 21 remains which were believed to be Americans. If this was asked before I came in——

General SHUFELT. No, sir.

Senator DECONCINI [continuing]. Just say so and you won't have to answer it again.

Can you apprise the committee of the status of the identification of those remains?

Colonel HILL. Right now, six have——

Chairman MURKOWSKI. I wonder if you could speak, stand and speak a little louder.

Colonel HILL. Colonel Hill, sir.

Of the 21, 6—we have a procedure where it goes through the Central Identification Laboratory of the Armed Forces Institute of

Pathology and then a contract anthropologist and then finally the ASGRO, and, if I remember right, I believe the six have left the CIL and gone to the AFIP.

Senator DECONCINI. What does that mean?

Colonel HILL. The Armed Forces Institute of Pathology.

Senator DECONCINI. So there still has been no positive identification of even the six?

Colonel HILL. No, sir. They are still undergoing the review process.

Senator DECONCINI. What is your time schedule, and I don't mean to imply anything there, just out of curiosity, what do you think the time schedule is?

Colonel HILL. I really don't know, sir. I would have to ask the professional people what their assessment of that is, and I think it goes on a case-by-case basis.

Senator DECONCINI. General, in regard to the civilian Roy Townley, who was lost in an air crash in December of 1972, what efforts, and maybe you will have to supply this, if any, have been made to link Mr. Townley with any of the returned remains? Do you know?

General SHUFELT. Let me see if I—can anyone address that?

Colonel HILL. Sir, if I could, Mr. Townley was lost in Laos. The remains that have been returned that you are talking about have been coming from the Vietnamese.

Senator DECONCINI. So you don't anticipate that they could be Townley's remains?

Colonel HILL. Well, sir, as you know, when the Vietnamese turned them over to us, in some instances they give us tentative name identification so that allows us a starting point. Sometimes those name identifications do not stand to the tentative ones and we find that they actually belong to someone else.

Senator DECONCINI. I wanted to ask Mr. Ashworth, and I never got around to it, about the possibility of Roy Townley and Colonel Lam being one and the same person. Have you ever heard that possibility?

Mr. GRAY. Colonel Lam, L-a-m-b?

Senator DECONCINI. L-a-m, Lam.

Mr. GRAY. Colonel Lam is Mr. Nevin's source.

Senator DECONCINI. Oh, no, excuse me, it is Colonel Lam may have spotted Townley. Do you have any information to that effect?

Mr. GRAY. No, sir. Colonel Lam, as I understand it, was held in North Vietnam and he saw an American at a distance.

Senator DECONCINI. Where is Colonel Lam now?

Mr. GRAY. I think in California. One of our analysts talked to him over the weekend.

Senator DECONCINI. You have talked to him?

Mr. GRAY. Yes, sir. He was interviewed by JCRC in 1980 and 1981 and provided information at that time. He had no new information to add to his 1980 and 1981 information.

Senator DECONCINI. That is when he—is that when he sighted or told you that he had sighted Townley?

Mr. GRAY. To my knowledge, he has never provided the name Townley.

Senator DECONCINI. He never has.

Mr. GRAY. No, sir.

Senator DECONCINI. Your records don't sbow that.

Mr. GRAY. We can certainly pull those reports, but the indications are that he sighted Bobby Garwood in North Vietnam.

Senator DECONCINI. He what?

Mr. GRAY. He sighted Bobby Garwood. He was talking about having seen an American living freely in the area of a seminar camp, I think in 1977.

General SHUFELT. But, Senator, if you like, we can go back and track down that man.

Senator DECONCINI. Yes. Is Colonel Lam, is he considered a reliable source? Has he given us any information that has been proven to be positive or effective?

Mr. GRAY. Colonel Lam's sighting has been correlated to Bobby Garwood based on the information he provided. He was shown a picture of Bobby Garwood and could not make identification.

Senator DECONCINI. Did not?

Mr. GRAY. He did not make identification from the picture. It was pointed out, though, that Colonel Lam has one eye and all the observations were at a considerable distance. But he was in the exact same area, and same time frame, and described Bobby Garwood.

Senator DECONCINI. The photos that the chairman has here, and he showed them to you, I think, or maybe you answered these questions, General, these photos have been evaluated by DIA?

General SHUFELT. We took a look at the photographs or the xerox copies that we were provided of the photographs.

Senator DECONCINI. Have you seen the colored ones now?

General SHUFELT. Not directly, no, sir, other than when you had them up at the table this morning.

In and of themselves, they don't tell us very much.

Senator DECONCINI. Well, I would like to ask the Chairman if we could let them look at them—not right now—and assess to see if you have anything new once you have seen them.

General SHUFELT. I have also agreed with the Chairman to follow——

Senator DECONCINI. Maybe you already did that.

General SHUFELT [continuing]. Up with Major Smith on those photographs.

Senator DECONCINI. OK, you are going to analyze them? OK, I'm sorry.

Chairman MURKOWSKI. Senator, we did pursue the pictures.

Senator DECONCINI. Thank you, Mr. Chairman, I missed that.

Going back again to Smith's testimony, you heard him give some description here this morning, as he gave to me before and again today, of what he saw in this tape, so-called videotape, and it is difficult that anybody could make all that up.

What is your assessment, General, of the veracity that there may be a tape, a videotape? Do you think it is a fabrication or do you think—or do You have any thoughts on it, or do you not speculate on those things?

General SHUFELT. Sir, we have been and will continue to be positive. We have said we will assume that there is a tape until either it is definitely proven there isn't or we, in fact, have the tape. Our

position has been a consistent one for the last six months. We welcome the acquisition of the tape.

Senator DECONCINI. If that is the case, are you prepared to cooperate or to work with Major Smith in an effort to secure the tape for the Committee?

General SHUFELT. We have said that we would do so. General Perroots has said that publicly. March 3, we met with Mr. Smith and that was immediately after the letter had been delivered to the President which indicated that $4.2 million was the price for the tape and we had to give him an answer in 72 hours. That was the letter that also said we want an airplane and everything else.

General Perroots and I and two other members of our staff met with Major Smith, along with Congressman Smith and Congressman Hendon, in Congressman Hendon's office. At that point in time we reminded Major Smith that U.S. Government policy is that we don't pay for information or remains or for POW's. But, we added that certainly if the film was as he described it, it was of such a potential magnitude of importance to the issue that it would move the issue forward. We also stated that it would help us if we had something that would show some evidential nature of the film. In fact, I recall that we requested that they attempt to get a 5-minute clip of the film that showed one or two of those Americans or Caucasians that are alleged to be on the film, or anything that would help us convince the decisionmakers at the most senior level that we needed to pursue this aggressively and seriously consider the offer as it was made at that point in time.

The response was, "That's the offer and you have to take it or leave it."

Senator DECONCINI. Yes, you had no choice.

General SHUFELT. No choice. And, of course, you are familiar with the background of who was to go in the airplane and all that.

Regardless of that, we have consistently said that we want the film and we will put no impediment in the way of acquiring that film from our perspective. We have been consistent with that offer.

Senator DECONCINI. General, a special committee or commission was set up, headed by General Tighe——

General SHUFELT. Yes, sir.

Senator DECONCINI. If that has been asked, too, I will just read the record.

Can you tell us the status of that?

General SHUFELT. General Tighe and members of his senior review group are going to get together with us next week. We have had one session with them on their draft report. As you recall, he had both an active analytical and a senior review group that were going to evaluate what he had done, and make recommendations to him. They have now met with General Perroots and myself, and his effort will hopefully be concluded next week. General Tighe has been in the hospital with two operations and he is now recovering.

Senator DECONCINI. Yes, I understand.

General SHUFELT. General Tighe is now recovering from a second operation he has had in the last 30 or 40 days. At that point, then, we will be prepared to come forward to the committee and discuss the report. Based on your schedules it might be early in September before we could do this.

Senator DECONCINI. The process of what General Tighe was going through is completed, then, except for this final report.

General SHUFELT. Yes, sir, the report is complete except for a final wrap-up of the report based on input from his senior review group and comments by General Perroots.

Senator DECONCINI. Is General Tighe incapacitated now because of health? Is he in the hospital?

General SHUFELT. I think this week he is actually in the hospital for the second operation. It is surgery, but I don't think it is anything that is going to hold him down very long.

Senator DECONCINI. OK.

Mr. Chairman, thank you, I have no further questions at this time.

Chairman MURKOWSKI. Thank you, Senator DeConcini.

I have a series of documents that Major Smith allegedly provided to General Leuer. Are you familiar with that?

General SHUFELT. Yes, sir.

Chairman MURKOWSKI. Have you had a chance to examine it, and, if so, can you explain why all the pages are blacked out?

General SHUFELT. I am going to defer to Colonel Hill, sir, because——

Chairman MURKOWSKI. I am sorry, I didn't hear you, General.

General SHUFELT. I am going to defer to Colonel Hill because he had the responsibility for declassification of the document which had been originally classified Secret.

Chairman MURKOWSKI. All right. For the record, who had the document first? I assume——

General SHUFELT. We were provided the document by the Joint Strategic Operations Command in Fort Bragg, NC.

Chairman MURKOWSKI. When?

General SHUFELT. That was in——

Mr. GRAY. September 1984.

Chairman MURKOWSKI. And then Major Smith provided this later? Was that when Major Smith——

Mr. GRAY. No, sir.

General SHUFELT. No, no. That document was provided to the people at Fort Bragg by Sergeant McIntire.

Chairman MURKOWSKI. OK.

General SHUFELT. They processed it through the system to DIA and we, at that point, took it, and did an analysis of the contents of the document.

Chairman MURKOWSKI. And this—the disposition of this current is what?

Mr. GRAY. It is unclassified.

General SHUFELT. The package you now have has been declassified.

Chairman MURKOWSKI. Declassified.

General SHUFELT. Declassified.

Chairman MURKOWSKI. And the explanation of the blackening out was——

General SHUFELT. The only things deleted were those things dealing specifically with sensitive intelligence sources and methods. Other than that, everything else has been provided.

Colonel HILL. If I could add one more point, sir. Some of these documents that are in here as attachments were originated with private sources and, as such, there were statements made in there which do not reflect U.S. Government thinking. And because of this, because these documents were later stamped with official-looking markings such as Secret, No Foreign, things like this, presumably by Major Smith, because these documents could be construed as being U.S. Government documents and because some of the statements that were in there were personal statements and did not reflect U.S. Government thinking, we went ahead and withheld those, also, because we did not want someone to take this out of context and misconstrue——

Chairman MURKOWSKI. Well, a contention here is that this is significant information that can lead us somewhere.

General SHUFELT. Not from our perspective, sir, no.

Chairman MURKOWSKI. Well, this is my point. This was suggested by the witness to be significant and we are left in the Committee with a situation where we can't tell whether the portions that were blocked out are what might have made it significant vis-a-vis what it is now.

Now, the committee has the portion available prior to being blocked out.

Senator DECONCINI. May I ask the chairman a question? I am lost here.

Was this a Government document once upon a time or was this a document that Smith gave to the DIA?

Chairman MURKOWSKI. It is my understanding that Smith gave it to the DIA.

Senator DECONCINI. To the DIA. And to General Leuer.

Chairman MURKOWSKI. To General Leuer. It is on the front, the basic letter to General Leuer.

Senator DECONCINI. And was it ever classified?

Chairman MURKOWSKI. Yes.

General SHUFELT. It was classified, as far as we know, by Major Smith, not by the Government.

Senator DECONCINI. Oh, Major Smith classified it?

Chairman MURKOWSKI. During the time that he was on active duty.

Senator DECONCINI. While he was on active duty.

General SHUFELT. When he was in Korea.

Senator DECONCINI. Did he have authority to do that?

General SHUFELT. I can't answer that, sir. Certain unit commanders have the authority to classify documents that they originate. We would have to go back and find out whether or not he had originating classification authority.

Senator DECONCINI. Colonel Hill, you have the authority to declassify it?

Colonel HILL. Sir, we did a declassification review which incorporated people from JCS and DIA.

Senator DECONCINI. But now you have all of that information that was in there.

General SHUFELT. Yes, sir.

Colonel HILL. Yes.

Chairman MURKOWSKI. And the Committee has that, as well.

Senator DECONCINI. And we have that, as well.

Colonel HILL. Sir, can I trace the chronology on this?

Chairman MURKOWSKI. Thank you.

Colonel HILL. Sergeant McIntire, on September 11, 1984, turned this in to JSOC at Fort Bragg. At the time he told General Stiner to whom he turned it in that these were the documents that Major Mark Smith turned in or tried to turn in to General Leuer and General Leuer allegedly refused them.

Senator DECONCINI. I see.

Colonel HILL. And General Stiner, on September 13, two days later, forwarded them to DIA. DIA, the following day, after a quick appraisal, sent back a letter to General Stiner saying that their initial analysis was that this information was information that we had already acquired from other sources.

Now, further analysis of this information substantiates that initial analysis, that it is nothing of any significance to the POW/MIA issue, that it is information that we had already acquired through other sources.

In fact, a lot of the information that is in here was acquired through private sources and, in fact, it was turned over to Major Smith and he, in fact, stamped those classification markings on there.

Senator DECONCINI. So you are telling us, Colonel, that there is nothing in that information that you didn't already have.

General SHUFELT. True, sir.

Senator DECONCINI. Is that right?

General SHUFELT. Yes, sir.

Senator DECONCINI. Nothing new at all?

General SHUFELT. No.

Senator DECONCINI. No new sources, no new names, no new dates, nothing?

Colonel HILL. No, sir. In fact, some of this stuff has been published—like one of the items that is in here has been published in its entirety in *Soldier of Fortune Magazine* in February of 1983. However, we took out some of the comments that are in there because we don't want them being misconstrued as U.S. Government——

Senator DECONCINI. When you say you took them out, you blacked them out.

Colonel HILL. Yes, sir. In fact, this page right here, if you get the February issue of *Soldier of Fortune,* you will find those words in there, that they are not U.S. Government thinking, we did not want someone to think that those were our thoughts, and that is why we blacked those out, in case these documents were ever taken out of context.

Senator DECONCINI. So are you telling us that what Major Smith did from your perspective is concoct information that you already had, that——

Colonel HILL. No, sir, I am not saying that at all. All I am saying is that the information that he had available that was in this packet was not——

Senator DECONCINI. OK. Was some of it actually classified information, then?

Mr. GRAY. Some of it came from a classified report, yes, sir.

Senator DECONCINI. Some of it was classified.

Mr. GRAY. The report was confidential.

Senator DECONCINI. So you declassified it on two bases: one being that it was confidential and had to be struck out; the other is that it was something that he put in there from a source that you didn't think was appropriate.

Chairman MURKOWSKI. Senator, we requested it.

General SHUFELT. Yes.

Senator DECONCINI. What I am just interested in is how do you determine that a paragraph or a statement in there that looks like—the *Soldier of Fortune Magazine,* or—should be taken out if it isn't classified as confidential just because it isn't the policy of the U.S. Government? I don't understand that. You could take anything out of anything just by saying it is not the policy of the U.S. Government.

Colonel HILL. No, sir. We took this and went through any sources or methods that were in there. We blanked those out, which is in keeping with our policy. But also anything which reflected thoughts, especially about United States and friendly country relations, because there are several instances in there that mention a foreign government, and we did not want someone to take those pages in isolation and construe those to be the policy of the U.S. Government simply because someone saw secret, no foreign dissemination, on them.

However, as I said, some of this information has been published in open source and also some of these documents in here were provided by private individuals to Major Smith and this private individual, in fact, has them at home in his files.

Senator DECONCINI. All right, thank you.

Chairman MURKOWSKI. I would like to——

Senator DECONCINI. It is still a bit confusing.

Chairman MURKOWSKI. It certainly is.

Let me ask a specific question now.

General SHUFELT. Yes, sir.

Chairman MURKOWSKI. The Committee has the actual copy prior to any blackening out.

General SHUFELT. Yes.

Chairman MURKOWSKI. You have studied both versions and you have declassified one which is available to anyone who is interested in it.

Is there anything significant in the copy that was not blacked out that would lead you to initiate any action——

General SHUFELT. No.

Chairman MURKOWSKI [continuing]. Of any kind?

General SHUFELT. No, sir.

Mr. GRAY. No, sir.

Senator DECONCINI. Well, would the Senator yield on that? I am sorry to belabor this.

What bothers me is that if Smith is operating as an agent of the Federal Government, which he was—right? He was in the Army when he put this together—and he puts it down that such and such a country has a bunch of spies in it or puts down something that you don't agree with today, and now you come along and say, "Hey, that's not our policy." How do you come to the conclusion

that you can excerpt and extract something that he put in there as part of his job, whether it is our policy today or not? And I don't even know what it is. It may not have any relevance here.

The reason I raise it, Colonel, is because what does it do? It raises immediately a cloud of suspicion on DIA. That you are going through here and saying, "Uh-oh, Smith says so-and-so is a CIA agent," and that is his opinion and that is his report; and now you come in and you take that out on the basis that it is not policy—it is not classified—it is not the policy of our Government. It leaves a hell of a bad taste. I don't know why you do that.

General SHUFELT. What we are doing, sir, is taking out those things, as I said, that deal with a source. We do that in any document.

Senator DECONCINI. Yes, sir, I understand that.

General SHUFELT. When the request was made to declassify the report as much as you can declassify it.

Chairman MURKOWSKI. I would like to ask the question a little different, if I may.

General SHUFELT. OK.

Chairman MURKOWSKI. What you struck are names and sources.

General SHUFELT. Yes, sir.

Chairman MURKOWSKI. Well, there is a little doubt here, because the words "the philosophy of the Government" disturbs me a little bit.

Colonel HILL. Well, sir, to give you a for instance, if it had said in there, as it does in certain places, that the government of another country will ignore such-and-such and such-and-such, which can be misconstrued as the U.S. Government making that assessment, which is not the case, that was a personal opinion by the original source of the document.

Senator DECONCINI. Why couldn't you say so and leave it there?

Colonel HILL. Because, sir, as I explained, someone reading this document in isolation, taking something out of context on this, not knowing the background and the derivation of these documents, seeing Secret markings or anything else like that that is official looking, might construe that, in fact, that was a U.S. Government.

Senator DECONCINI. To me, you ask for some of the criticism you get. Obviously, if something is classified confidential, you have to take it out. That is your job.

Colonel HILL. That is correct, sir.

Senator DECONCINI. But then to just decide that, well, some reference to some country which is an opinion, but he was an official in the Government, he put it in there, that you don't say this is not—just a side note, "This is not the official position of the Government." No, you go in and take it all out and what do some people say now? I happen to have access to it, so I can read the whole thing——

Colonel HILL. Yes, sir.

Senator DECONCINI [continuing]. But what do other people say? They say, "Uh-uh, they're covering up."

Colonel HILL. Well, sir, again, if you notice, probably only about 5 percent of it is done that way. It was done very methodically. We did a lot of looking at that and a lot of thinking. And, again, even though we would like to reveal the whole thing, in instances where

it was presumed that it was going to be misinterpreted by the reader as——

Senator DECONCINI. You are making a presumption there, right?

Colonel HILL. Well, because some of the statements——

Chairman MURKOWSKI. Senator, in all due respect——

Senator DECONCINI. All right.

Chairman MURKOWSKI. I don't disagree with you and I guess the alternative that we have is to go back and compare the two, the unblemished version and the marked-up version and see if we agree. I can certainly understand the need to protect sources. I have a little problem, though, with addressing the area of government philosophy. I personally would rather see you leave what has been stated in there and let the reader draw his own conclusions and attempt to circumvent——

Senator DECONCINI. I agree with the chairman. I am sorry to take so much time on it.

Chairman MURKOWSKI. I am going to try to move along here. I only have a few more questions left.

Senator DECONCINI. Mr. Chairman, I only have one line of questioning left, too. It is very short.

Chairman MURKOWSKI. OK.

On Smith's trip to Singapore to meet Gregson, was he debriefed by DIA?

General SHUFELT. Was Smith debriefed, sir?

Chairman MURKOWSKI. Yes.

General SHUFELT. Smith came in after the trip to DIA and talked to General Perroots and myself, yes.

Chairman MURKOWSKI. Was there discussion about the 39 individuals that were supposedly depicted in the videotape and any reference made to the list of trying to match that up with the servicemen still missing in Southeast Asia?

General SHUFELT. Yes. In fact, there was an attempt also made much earlier, on March 3, specifically, to obtain names from Smith.

Chairman MURKOWSKI. Well, since he didn't provide the videotape, did they provide the names——

General SHUFELT. No, sir, he did not.

Chairman MURKOWSKI. No names were provided.

General SHUFELT. No names were provided.

Chairman MURKOWSKI. Do you have any leads personally on the whereabouts of the videotape, Colonel?

General SHUFELT. No, sir.

Chairman MURKOWSKI. None whatsoever.

General SHUFELT. Not a bit.

Chairman MURKOWSKI. I am going to be very brief about a couple of other witnesses.

Did you or anyone else in the Defense Intelligence community interfere with Mr. Ashworth's sources?

General SHUFELT. No, sir.

Chairman MURKOWSKI. That was an allegation.

General SHUFELT. There was no interference with Ashworth's sources.

Chairman MURKOWSKI. Did you meet with him?

General SHUFELT. We met with Mr. Ashworth after his testimony this morning.

Chairman MURKOWSKI. Did you determine anything?

General SHUFELT. I will have to——

Senator DECONCINI. Mr. Chairman, I could help you, if you want.

Chairman MURKOWSKI. Go ahead.

Senator DECONCINI. We met and Mr. Ashworth has agreed to supply us with the sources that he has and some of the conversation dates and what have you and with who at DIA that he gave it to, and asked us not to reveal all of this to the DIA, and we said that we would assess it and determine if we wanted to interview these people and we would ask the DIA some questions relevant to the problem of following up vis-a-vis these conversations he had with DIA. So we haven't put all that together.

Chairman MURKOWSKI. Thank you.

Senator DECONCINI. Maybe by next January.

Chairman MURKOWSKI. Do you have any comments on the testimony of Mr. Ashworth or Mr. Nevin today with regard to their allegations concerning coverup?

General SHUFELT. No, sir. I found some of their statements rather interesting and, frankly, not very germane to the immediate issue that you raised today. In fact, very frequently we find people who will claim we simply ignore them or we don't return calls when, in fact, we have dealt with them extensively. The problem, unfortunately, is that we don't always reach the conclusions that they would like us to reach and that causes conflict.

Chairman MURKOWSKI. You heard the reference to the calls that he had made, and I gather there was a reference from a woman that you weren't interested in pursuing it any further and, as a consequence, he stopped phoning?

General SHUFELT. I am going to followup on that, sir, because knowing the individual concerned, I find that hard to believe.

Chairman MURKOWSKI. Senator DeConcini, I just have a concluding statement, so would you go ahead?

Senator DECONCINI. Yes. Let me just followup.

Mr. Gray, you mentioned that, when I raised the question of Colonel Lam, is that there had been contact made with him this past weekend.

Mr. GRAY. Yes, sir.

Senator DECONCINI. Did you make it?

Mr. GRAY. It was made by one of the Vietnam analysts.

Senator DECONCINI. One of the Vietnam analysts?

Mr. GRAY. Yes, sir.

Senator DECONCINI. And is that his real name?

General SHUFELT. My people are shaking their heads no, sir.

Senator DECONCINI. What is his real name? Is it classified what his real name is, just for the record, so I can use his real name?

General SHUFELT. Sir, he asked for confidentiality, but we can provide you his name in private.

Senator DECONCINI. Yes, I understand. And is it a fact that he has one eye?

Mr. GRAY. That is what the report indicates, yes, sir.

Senator DECONCINI. One eye? That is what the report is of the real Mr. Lam?

Mr. GRAY. Yes, sir.

Senator DECONCINI. And what—was it classified information that you contacted him this weekend about?

Mr. GRAY. He was contacted this weekend and asked if he had been talking to Mr. Nevin, and if he had any information other than which what he had provided to JCRC in 1980.

Senator DECONCINI. And what did he say, do you know?

Mr. GRAY. He had indeed been talking to Mr. Nevin.

Senator DECONCINI. He has been talking to Mr. Nevin.

Mr. GRAY. Yes, sir.

Senator DECONCINI. And he had supplied him with information?

Mr. GRAY. It is the same information that he provided in 1980.

Senator DECONCINI. That is what he told DIA?

Mr. GRAY. Yes, sir.

Senator DECONCINI. OK, thank you.

When you say "this weekend" that means——

Mr. GRAY. Last Saturday.

Senator DECONCINI. This last Saturday?

Mr. GRAY. Just this past Saturday.

Senator DECONCINI. Just this past Saturday?

Mr. GRAY. Yes, sir.

Senator DECONCINI. Thank you.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you, Senator DeConcini.

Let me make reference to some items that were specifically agreed for follow up by your Agency; namely, a check on Gregson/Obassy's whereabouts through Customs to see if indeed they were in the country, where they might be now; your willingness to communicate with Mr. Smith to followup on various items that we discussed here.

I think we have seen today some very dedicated people, both witnesses who testified concerning their particular beliefs with regard to the MIA/POW issue and the allegations of coverup and the genuine concern over the issue. We have also had, I think, a very responsible review by the Administration. Some of that testimony disturbs me a little bit, particularly the philosophical aspects of that portion that were stricken from the record, and I know that there is an occasional grimace as a consequence of that, but maybe it was the way it was paraphrased. But I think if it is a philosophical statement, it belongs in there. I would agree totally that we have to protect the names of those sources, so, that being the case, I am going to go back and compare the two and particularly emphasize the reference to the philosophical points that were omitted from the official statement as submitted and declassified.

I think what we have done in this seventh hearing is to continue to ensure that an open forum has been made available. We had witnesses today that asked to be heard from. They were given that opportunity. I think their testimony has been constructive.

Unfortunately, I do not feel that we are necessarily any closer having specific information that would prompt action by this committee to go off and initiate a request to the President or the Vice President or the Defense Intelligence Agency, or any other branch, to start the process or communicate with the Laotian Government or the Vietnamese Government or attempt to do something.

So that, I guess, is just the reality of the situation and we continue to hope that someone, anyone, will come forward with firsthand evidence or proof that will initiate such action. But that, I think, is the hope of everyone.

I think we are facing a catch 22 here in the sense that we can proceed with this hearing process, but I think in the seven hearings that we have had we have constructed a record that will stand the scrutiny of those that are intensely interested in this from the standpoint from the hearing offering an open forum. And I don't want to again detract from any of the testimony here, but it was hoped by this process that we could initiate some action on the Vietnamese or Laotian or whatever government may be holding Americans, and we are not necessarily precluded from doing that, so as we reflect on where we are and where we are going, we can be aware that time will dictate to some degree the final resolve of this issue.

It is my hope that this time indeed will not result in living Americans being precluded because of circumstances in Southeast Asia the opportunity to come home. This is what concerns me about individuals who are reluctant to come forward with evidence, because there is really nothing more this committee can do than offer the opportunity and the forum to have that evidence presented. And if the committee has been unresponsive, why, I don't think that is necessarily a fair evaluation. This committee is made up of members of both parties. I would like to think that the committee hearings have been handled in such a way as to ensure that if individuals who have evidence or proof are uncomfortable, that don't want to go to the defense intelligence community, that don't want to present the matter directly before the committee in the open forums, that they would come to a member of the committee of their choosing, but, for heaven's sakes, come forward, because, at some point in time in our life we are going to be able to reflect back to determine with some degree of accuracy whether in August of 1986 there were Americans being held in Southeast Asia. And I know I would hate to reflect on being a hindrance to the release or the expeditious movement toward release of any of those Americans that are held. And I know you all share that with me.

But again I would remind you of the reality of the catch 22. If you don't come forward, there is nothing we can do. If you don't feel comfortable with the process that is available to you, then you have the other alternatives of coming to us individually.

I am not going to schedule further hearings at this time. I am going to meet with my colleagues and review the material that we have had, review the discussions that took place earlier today in the room with some of the witnesses and the Defense Intelligence Agency. I will, however, initiate further hearings when there is information that is brought to my attention, either from individuals, the defense intelligence community, the administration, families of missing in action, or any other group or individual that would initiate enough justification in the sense of being firsthand information or information that we can logically trace to a source that would initiate an action to attempt recovery of those that are being held in Southeast Asia.

So let me make it very clear: We conclude this seventh hearing with no scheduled hearing, but I will schedule a hearing once I have reason to believe, and I will consult with my colleagues, that we have something of significance to initiate some action.

With that, gentlemen, I want to thank you, those on the staff that have worked so hard to put this together, the witnesses today, and we wish you a good day. This hearing is concluded.

[Whereupon, the hearing was adjourned at 3:35 p.m.]

APPENDIX

United States Senate

COMMITTEE ON VETERANS' AFFAIRS
WASHINGTON, DC 20510

January 17, 1986

Honorable Bill Hendon
U.S House of Representatives
Washington, D.C. 20515

Dear Mr. Hendon:

This is to confirm the invitation previously extended to you on my behalf by the staff of the Senate Committee on Veterans' Affairs to testify at oversight hearings on "live sighting" reports of Americans still missing in action in Southeast Asia. In order to provide ample opportunity for all views to be presented, it is my intention to hold hearings at 9:00 a.m., Tuesday, January 28, 1986, in room SD-138 of the Dirksen Senate Office Building, and if necessary on Thursday, January 30, 1986, in room SD-192 of the Dirksen Senate Office Building.

The purpose of the hearing is to determine the procedures by which the United States investigates "live sighting" reports, and to receive testimony from each of the government agencies involved in such investigations. During the past year, there have been a number of reports of "live sightings", and it has been alleged that the United States government has suppressed this information and in many cases has not made a best effort to follow through on the reports. Testimony will be received from individuals who have criticized the Administration regarding this issue.

I request your testimony on issues pertaining to "live sighting" reports of American prisoners in Southeast Asia. Because of the number of witnesses scheduled to testify, and in order to allow sufficient time for questions, I am requesting that all witnesses summarize their written testimony in oral presentations of no more than five minutes. Of course, your entire written statement will be printed in full in the record of the hearing.

So that the Committee may have sufficient time to review your testimony before the hearing, I ask that you provide the Committee with 30 copies of your written testimony by January 23, 1986. Please send copies of your testimony to: Committee on Veterans' Affairs, United States Senate, Washington, D.C. 20510, Attention: Brian Bonnet. As there will be persons at the hearing who will be interested in your testimony, please bring an additional 20 copies to the hearing with you.

The Committee looks forward to receiving your testimony. If you have any questions or would like additional information, please contact Brian Bonnet at 224-9126.

Sincerely,

Frank H. Murkowski

Frank H. Murkowski
Chairman

COMMITTEE ON [illegible]
SUBCOMMITTEES
NATIONAL PARKS AND RECREATION
ENERGY AND THE ENVIRONMENT

COMMITTEE ON VETERANS' AFFAIRS
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POW-MIA TASK FORCE
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May 6, 1986

Honorable Frank H. Murkowski
Chairman
Committee on Veterans Affairs
SR414
Washington, D. C. 20510

Dear Mr. Chairman:

I am told by several who were present at your POW-MIA hearing on Thursday, May 1, that you divulged the true identity of "John Obassy" during open session. Press reports indicate that your revelations were made "over the objection of Defense Department Intelligence officials who wanted to keep the information classified."

Mr. Chairman, your identifying this critical witness is the most reprehensible action that I have ever witnessed in my 5½ year effort to help return U.S. military personnel from communist prisons in Southeast Asia. Sure, we have all heard the stories of persons being offered money by government officials to discredit those who speak out on this issue; but here we have what appears to be the ultimate in dirty tricks: you subpoena Major Mark Smith to produce the Obassy videotape - and in the same breath you virtually insure that he cannot produce it when you divulge his source's true identity in open session.

Had you asked me I could have told you of the extremely sensitive nature of my dealings with Mr. Obassy - dealings made at the direct request of the highest levels of the United States Government. Had you asked me, I could have told you that divulging this man's identity would jeopardize not only Obassy's life, but the lives of the U.S. prisoners of war whom I am convinced he has direct access to. Your actions not only jeopardize all these individuals lives, but make my task of securing the entire videotape infinitely more difficult, if not impossible.

Your unprecedented disclosure notwithstanding, I will continue to try to secure the videotape. In the meantime, if you want to see overwhelming evidence of U.S. prisoners of war being held in Southeast Asia, why don't you direct Defense Intelligence to let me and several of my colleagues show you and your Committee some of the evidence DIA already has in its possession? We don't want to show your personal staff or your committee staff, we want to show you and your Committee, along with the "Interagency Intelligence Senior Review Panel" which is now investigating the work of DIA, and Bill Paul, Staff Reporter of The Wall Street Journal who has written extensively on the POW issue.

If you really want to get to the bottom of this, I challenge you to arrange such a session immediately.

Sincerely,

Bill Hendon

BILL HENDON
Member of Congress
from Western North Carolina

ALAN K. SIMPSON, WYOMING ... JOHN PAUL HAMMERSCHMIDT, ARKANSAS
RUDY BOSCHWITZ, MINNESOTA ... G. V. (SONNY) MONTGOMERY, MISSISSIPPI
ANTHONY J. PRINCIPI, CHIEF COUNSEL/STAFF DIRECTOR
JOHN MARK R. STEELMAN, MINORITY CHIEF COUNSEL/
STAFF DIRECTOR

United States Senate

COMMITTEE ON VETERANS' AFFAIRS
WASHINGTON, DC 20510

May 8, 1986

Honorable Bill Hendon
115 Cannon House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Hendon:

Regarding your May 6th letter, let me address three points you seem to have misunderstood with regard to the Senate Veterans' Committee's investigation of the MIA/POW issue.

To begin with, the identity of Mr. Gregson, a.k.a. John Obassy, was not "divulged" against the wishes of the Defense Department during open session -- Mr. Gregson's identity was revealed some time ago, in an internationally available publication, a copy of which I am attaching. In addition, former Congressman John LeBoutillier, in a letter to CIA Director William Casey, also revealed Mr. Gregson's identity. Further, the information regarding Mr. Obassy's true identity is contained in an unclassified document given to me by the Office of the Secretary of Defense prior to the May 1 hearing.

I agree that we should "get to the bottom of this" as you have stated. Toward that end, I have held a series of four hearings, with an additional hearing scheduled in the near future. Witnesses with varying points of view were invited to testify, and many did share their views, under oath, in open, and, when necessary, closed session. Such was the case with Major Mark Smith and Sergeant First Class Melvin McIntire; both men approached this Committee several months ago claiming to have irrefutable evidence that Americans were still being held against their will in Southeast Asia.

In open session, and under oath, Major Smith repeated that claim, and agreed to furnish such information to the Committee by early February, 1986. As of this date, and despite four letters and a telephone conversation with their attorney, neither Major Smith nor Sgt. McIntire had produced such evidence. The Committee was left with no other choice than to subpoena Major Smith to provide the information and documents he has claimed, under oath, to possess.

With respect to the alleged videotape, the Committee has not suggested that Major Smith posesses the videotape in question, nor was that the purpose of the subpoena. In addition, Major Smith, under oath, in closed session, has already informed this Committee that he could not identify any face on the videotape, saying that even "their mothers would not recognize them."

With regard to our hearings, my earlier invitation to you to testify still stands, as indicated by my letter of January 17 to you, a copy of which I have also enclosed. If you have evidence that would lead to the repatriation of American POW's, I and my Colleagues welcome your testimony in open, or, if necessary, closed session.

What the American public needs -- indeed must have -- is full and complete cooperation by any and all individuals claiming to have knowledge of Americans still imprisoned after the war. Despite our different approaches, I must believe you and I share that goal.

Sincerely,

Frank H. Murkowski
Chairman

Enclosures:

growth nearly 2½ times as often as nonpoor children, according to the study, and in the South the rate was nearly three times that of the nonpoor.

Infant mortality was significantly higher in poor rural counties than in the rest of the nation. While infant mortality dropped from 1981 to 1983 in the rest of the country, it increased in poor rural counties. Low birthweight rates were also higher in poor rural counties.

Isolated, the nation's 13.5 million rural poor are less likely to participate in assistance programs, and when they do, says the study, the benefit levels are lower than those for the city poor.

Rumors Aplenty

America's 2,441 servicemen unaccounted for from the Vietnam War provide fertile ground for mythology, says a Defense Department official. Although the U.S. government operates on the assumption that some of those missing in action are in fact prisoners of war, the official says, not one report of a live sighting has so far yielded a live prisoner.

For example, an affidavit filed in North Carolina asserting that the signer witnessed American POWs in Laos as recently as October 1985 is being dismissed by the Defense Department. The affidavit, which was filed in December by a witness who used the pseudonym "John Obassy," is in conjunction with a lawsuit by two former Special Forces operatives, Maj. Mark Smith and Sgt. Melvin McIntire.

The suit alleges a cover-up of the prisoner issue by key U.S. officials, including President Reagan. Obassy claims that U.S. prisoners are being used as slaves in a gold mine. He uses a fictitious name, he says, because his life and the lives of others would be endangered if his true name were revealed. But the Defense official says Obassy is a British con man named Robin Gregson, widely known to law enforcement officials in Southeast Asia.

The latest story making the rounds at news organizations is that a Navy Sea, Air and Land team and two Army Special Forces units recently pulled a man out of Laos and that he was debriefed by Defense Secretary Caspar Weinberger in Thailand. Defense officials say the story is completely untrue.

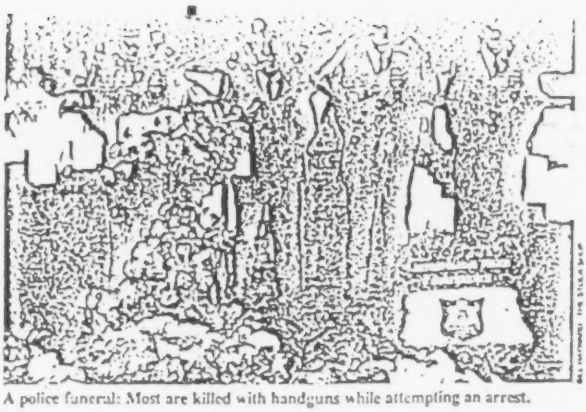
Guarding Policy

Congress needs to establish a policy for assigning personal protection to government officials to ensure it isn't being used unnecessarily, says North Dakota Democratic Rep. Byron L. Dorgan. A recent study conducted at Dorgan's request by the General Accounting Office revealed large variances in the amount of money each government agency spends on bodyguards.

According to the GAO, the Agriculture Department currently spends $229,132 on personal protection, while the Commerce Department spends only $1,700. Other agencies spend amounts in between those two figures on bodyguards, and some spend nothing, says a Dorgan aide.

Dorgan says he requested the GAO report shortly after he became aware of the issue. "I read press stories about bodyguards tracking around people like [former] Health and Human Services Secretary Margaret Heckler, and I saw them up on the Hill and I wondered what the HHS secretary needed bodyguards for."

Dorgan says he believes some officials use the service more than is necessary and that "they're just expropriating money for personal reasons." He says he has sent the GAO report to House Appropriations Committee Chairman Jamie L. Whitten, a Mississippi Democrat, and has requested hearings. According to Dorgan, Whitten "pledged to have his staff look into it."



A police funeral: Most are killed with handguns while attempting an arrest.

At the Front

Seventy-nine law enforcement officers were slain last year, most of them with firearms, according to the FBI. That was seven more killed than in 1984. "Handguns were used in 58 of the murders, rifles in three and shotguns in nine," reports the FBI. Five other officers were killed by being hit intentionally with vehicles, two by blunt objects, one by a knife and one by physical assault.

Last year, continuing a trend, law enforcement officers were at greatest risk in the South, where 36 were killed in the line of duty. Fifteen officers were killed in the Midwest, 11 in the Northeast, 10 in the West, six in Puerto Rico and one in Mexico.

FBI records for 1975 through 1984 suggest that the killing of a law enforcement officer is statistically most likely to occur between 10:01 p.m. and midnight on a Thursday in December. Most often the killing is by handgun shots to the front upper torso while the officer is attempting an arrest.

Last year 30 of the 79 slain officers were killed while trying to arrest suspects, a dozen of the 30 killed while trying to stop robbers, said the FBI.

The Subject: Payola

Payola, a record industry scandal of the 1950s and 1960s, may have resurfaced. Sen. Albert Gore Jr., a Tennessee Democrat, has called for a probe by the Senate Committee on Governmental Affairs Permanent Subcommittee on Investigations into whether broadcasters are being paid to play music. A federal grand jury in New York City earlier reportedly ordered three major record companies to turn over documents. Another federal grand jury in Los Angeles is also looking into payola.

The focus this time is not on record companies or disc jockeys but on independent promoters who work for the record companies and may be paying radio stations to play their offerings. Congress outlawed payola after the earlier scandals.

Major record companies already have severed their ties with independent promoters. Among other things, said Gore, his investigation will explore alleged ties with organized crime.

— Miles Cunningham and Susan Katz

RECORD VERSION

STATEMENT BY

MAJOR GENERAL JOHN S. CROSBY

ASSISTANT DEPUTY CHIEF OF STAFF FOR PERSONNEL

DEPARTMENT OF THE ARMY

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS

U.S. SENATE

SECOND SESSION, 99TH CONGRESS

U.S. ARMY CENTRAL IDENTIFICATION LABORATORY, HAWAII

25 JUNE 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I AM MAJOR GENERAL JOHN S. CROSBY, ASSISTANT DEPUTY CHIEF OF STAFF FOR PERSONNEL, DEPARTMENT OF THE ARMY. I HAVE WITH ME TODAY DR. ELLIS R. KERLEY, FELLOW OF THE AMERICAN ACADEMY OF FORENSIC SCIENCES AND CONSULTANT TO THE ARMY, AND LIEUTENANT COLONEL JOHNIE E. WEBB, JR., COMMANDER OF THE U.S. ARMY CENTRAL IDENTIFICATION LABORATORY, HAWAII. ALSO IN ATTENDANCE ARE BRIGADIER GENERAL LESLIE E. BEAVERS, FORMER DIRECTOR OF PERSONNEL PLANS AND SYSTEMS, OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL, AND DR. (COLONEL) ROBERT R. MCMEEKIN, DIRECTOR OF THE ARMED FORCES INSTITUTE OF PATHOLOGY.

THE DEPARTMENT OF THE ARMY IS KEENLY AWARE OF THE SENSITIVITY INVOLVED CONCERNING THE SEARCH, RECOVERY AND IDENTIFICATION OF UNACCOUNTED FOR AMERICANS IN SOUTHEAST ASIA. THE PRESIDENT HAS ASSIGNED THE HIGHEST NATIONAL PRIORITY AND PLEDGED THE FULL RESOURCES OF THE GOVERNMENT TO THE EFFORT TO OBTAIN AS FULL AS POSSIBLE AN ACCOUNTING OF THOSE AMERICANS.

THE ARMY, THROUGH THE DEPUTY CHIEF OF STAFF FOR PERSONNEL, SERVES AS DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR THE PROCESSING AND IDENTIFICATION OF REMAINS. I AM HERE TO DISCUSS HOW THE U.S. ARMY CENTRAL IDENTIFICATION LABORATORY, HAWAII, (CILHI) SUPPORTS THAT ACCOUNTING.

THE U.S. ARMY CENTRAL IDENTIFICATION LABORATORY WAS ESTABLISHED IN THAILAND IN MARCH 1973, TO CONDUCT SEARCH, RECOVERY, AND IDENTIFICATION FOR UNACCOUNTED FOR AMERICAN CITIZENS AND TO PERFORM OTHER HUMANITARIAN MISSIONS. THE CENTRAL IDENTIFICATION LABORATORY WAS UNDER THE OPERATIONAL CONTROL OF THE MILITARY ASSISTANCE COMMAND, THAILAND.

AS A RESULT OF THE WITHDRAWAL OF U.S. FORCES FROM THAILAND, THE CENTRAL IDENTIFICATION LABORATORY RELOCATED TO HAWAII IN MAY 1976. THE LABORATORY IS LOCATED AT KAPALAMA MILITARY RESERVATION IN HONOLULU, AND REPORTS TO THE DIRECTOR, CASUALTY AND MEMORIAL AFFAIRS, U.S. ARMY MILITARY PERSONNEL CENTER IN ALEXANDRIA. ADMINISTRATIVE AND LOGISTICAL SUPPORT IS PROVIDED BY U.S. ARMY SUPPORT COMMAND, HAWAII, AND ITS PARENT COMMAND, U.S. ARMY WESTERN COMMAND. THE LABORATORY WORKS CLOSELY WITH THE OFFICE OF THE COMMANDER IN CHIEF, PACIFIC'S JOINT CASUALTY RESOLUTION CENTER (JCRC), WHICH FOCUSES ON THE VARIOUS ASPECTS OF SEARCH AND RECOVERY MISSIONS. JCRC ALSO COLLECTS RELEVANT PRISONER OF WAR AND MISSING IN ACTION (PW/MIA) INFORMATION FROM REFUGEE SOURCES AND CONDUCTS TECHNICAL LEVEL EXCHANGES OF INFORMATION WITH INDO-CHINESE OFFICIALS.

CURRENTLY CILHI CONDUCTS SEARCH AND RECOVERY OPERATIONS THROUGHOUT SOUTHEAST ASIA, KOREA AND WORLD WAR II PACIFIC AREAS OF OPERATION. THE LABORATORY ACCUMULATES AND CATALOGS INFORMATION ON AMERICAN AND ALLIED PERSONNEL LISTED AS MISSING OR

DECLARED DEAD BUT WHOSE REMAINS HAVE NOT BEEN RECOVERED. IT SEARCHES AIRCRAFT CRASH SITES AND GRAVESITES TO RECOVER REMAINS AND PARTICIPATES IN TECHNICAL LEVEL MEETINGS WITH INDO-CHINESE OFFICIALS. THE LABORATORY APPLIES ANTHPOPOLOGICAL, ODONTOLOGICAL, AND OTHER SOPHISTICATED TECHNIQUES TO ESTABLISH IDENTIFICATION OF REPATRIATED REMAINS AS WELL AS THOSE RECOVERED BY EXCAVATING AIRCRAFT CRASH SITES. IN ADDITION, IT PROVIDES WORLD-WIDE EMERGENCY SEARCH, RECOVERY AND IDENTIFICATION OF REMAINS IN SUPPORT OF THE ARMY'S MORTUARY AFFAIRS PROGRAM, AND ASSISTS THE DEPARTMENTS OF THE NAVY AND AIR FORCE, AS REQUIRED.

ONE OF THESE SEARCH AND RECOVERY MISSIONS, CONDUCTED JOINTLY WITH THE LAOTIAN GOVERNMENT, TOOK PLACE AT PAKSE, LAOS, FROM 10 TO 22 FEBRUARY 1985. THIS MARKED THE FIRST TIME SINCE THE END OF THE VIETNAM WAR IN 1975 THAT U.S. SPECIALISTS WERE ALLOWED TO SEARCH FOR THE REMAINS OF AMERICANS IN SOUTHEAST ASIA.

ON DECEMBER 21, 1972, AN AIR FORCE AC-130A SPECTRE GUNSHIP WITH 16 CREW MEMBERS ABOARD WAS SHOT DOWN NEAR PAKSE WHILE ENGAGING A GROUND TARGET. TWO CREW MEMBERS PARACHUTED TO SAFETY PRIOR TO IMPACT AND WERE RESCUED THAT NIGHT. THE FOLLOWING DAY, THE PARTIAL REMAINS OF A THIRD CREW MEMBER WERE RECOVERED AND SUBSEQUENTLY IDENTIFIED BY FINGERPRINT COMPARISON. DUE TO THE TACTICAL SITUATION THE REMAINING CREW MEMBERS COULD NOT BE RECOVERED AT THAT TIME.

In September 1982 members of the National League of Families visited the crash site. The Laotian government allowed a CILHI/JCRC team to supvey the site, and recover some bone fragments, in December 1983. Private cross-border forays delayed further recovery efforts for approximately one year.

After further negotiations the joint U.S. Laotian search team returned to Pakse in February 1985. The team conducted a thorough search, to include sifting the dirt, at the crash site.

The recovered human remains consisted of skeletal segments, most of which were fragmented and shattered. The only complete bones recovered were a few small hand and foot bones. Many of the fragments appeared to have been burned and fractured, which is consistent with a known midair explosion, impact, subsequent explosion and fire.

The remains arrived at the Central Identification Laboratory on February 25, 1985 for identification processing. To the fullest extent possible, all skeletal and dental remains were segregated and pieced together for reconstruction. They then were examined for bone (osteological) and dental (odontological) individualities. After extensive evaluation, the recovered portions were associated with recorded physical data for individuals on the manifest. All other possible associations were analyzed and excluded.

THE LABORATORY RECOMMENDED INDIVIDUAL IDENTIFICATION OF THE REMAINS OF ALL THIRTEEN CREW MEMBERS. ON JULY 1, 1985, THE ARMED SERVICES GRAVES REGISTRATION OFFICE (ASGRO), A BOARD OF REPRESENTATIVES FROM EACH OF THE SERVICES WHICH MAKES FINAL IDENTIFICATION APPROVAL, APPROVED THE IDENTIFICATIONS AS RECOMMENDED BY THE LAB. FOLLOWING THE BOARD'S ACTION, U.S. AIR FORCE OFFICIALS OFFERED TO BRIEF ALL INVOLVED FAMILIES ON THE OVERALL EXCAVATION PROCESS AND TO VISIT EACH FAMILY TO EXPLAIN THE INDIVIDUAL IDENTIFICATION PROCEDURES.

SOME QUESTIONS RAISED BY A FEW FAMILIES, THE MEDIA, AND ANTHROPOLOGISTS HAVE MADE THESE CASES A CENTER OF CONTROVERSY. OF THE THIRTEEN SETS OF REMAINS IDENTIFIED ON JULY 1, 1985, TEN HAVE BEEN BURIED. OF THESE TEN, EIGHT FAMILIES RECEIVED VISITS BY U.S. AIR FORCE PERSONNEL TO EXPLAIN THE IDENTIFICATION PROCEDURES. ONE OF THE EIGHT FAMILIES OBTAINED A SECOND OPINION BY AN ANTHROPOLOGIST WHICH SUPPORTED CILHI'S IDENTIFICATION. THE ELEVENTH SET OF REMAINS WAS SENT TO A FUNERAL HOME AT FAMILY REQUEST, BUT THE REMAINS HAVE NOT BEEN BURIED AS OF THIS DATE. THE TWELFTH SET OF REMAINS HAS NOT BEEN ACCEPTED BY THE FAMILY AND IS IN MILITARY CUSTODY AT THE U.S. ARMY MORTUARY, OAKLAND, CALIFORNIA.

THE FINAL SET OF REMAINS WAS OFFERED TO THE FAMILY BUT HAS BECOME THE SUBJECT OF A LAWSUIT AND AN ADMINISTRATIVE CLAIM BY THE NEXT-OF-KIN AGAINST THE U.S. GOVERNMENT. BECAUSE THIS MATTER IS

CURRENTLY IN LITIGATION, THE ARMY CANNOT COMMENT FURTHER ON THIS CASE.

IN ANTICIPATION OF INCREASED WORKLOAD, AND AS A RESULT OF CONTROVERSY GENERATED BY THE PAKSE IDENTIFICATIONS THE ARMY ASKED A TEAM OF NATIONALLY PROMINENT FORENSIC SCIENTISTS TO CONDUCT AN INDEPENDENT REVIEW OF THE CENTRAL IDENTIFICATION LABORATORY IN HAWAII. THE TEAM CONSISTED OF ELLIS R. KERLEY, PHD, LOWELL LEVINE, D.D.S. AND WILLIAM R. MAPLES, PHD. DOCTORS KERLEY AND MAPLES ARE FORENSIC ANTHROPOLOGISTS AND DR. LEVINE IS A FORENSIC ODONTOLOGIST. ALL ARE BOARD CERTIFIED AND FELLOWS OF, AND HAVE BEEN PAST OFFICERS OF, THE AMERICAN ACADEMY OF FORENSIC SCIENCES. THEY CONDUCTED THE REVIEW FROM 9 TO 12 DECEMBER 1985.

THE TEAM REVIEWED AND ANALYZED IDENTIFICATION PROCEDURES AND ASSOCIATED DOCUMENTATION USED BY THE LAB, EXAMINED THE QUALIFICATIONS OF PROFESSIONAL PERSONNEL DEALING WITH THE IDENTIFICATION PROCEDURE, REVIEWED SELECTED CASES AND INSPECTED THE ADEQUACY OF THE FACILITIES AND EQUIPMENT. THE TEAM SUBMITTED ITS REPORT OF FINDINGS AND RECOMMENDATIONS TO THE ARMY IN LATE DECEMBER 1985.

THE REPORT CONTAINED 15 RECOMMENDATIONS, ALL OF WHICH WERE CONCURRED IN BY DEPARTMENT OF THE ARMY AND APPROVED BY THE SECRETARY OF THE ARMY. ALL ACTIONS NECESSARY TO IMPLEMENT THE RECOMMENDATIONS HAVE BEEN INITIATED OR ACCOMPLISHED. A COPY OF THE TEAM'S REPORT WAS PREVIOUSLY PROVIDED TO THIS COMMITTEE.

BASED ON THE RECOMMENDATION OF THE REVIEW TEAM THE ARMY MODIFIED ITS REVIEW AND APPROVAL PROCESS FOR INDIVIDUAL CASE FILES. BEFORE THE ASGRO ACTS ON A LAB IDENTIFICATION THE ARMED FORCES INSTITUTE OF PATHOLOGY REVIEWS THE CASE FILE. DR. ELLIS R. KERLEY ALSO REVIEWS EACH CASE FILE AND ADVISES THE CHIEF, ASGRO IN THOSE CASES INVOLVING IDENTIFICATION OF HUMAN SKELETAL REMAINS. ONCE THE IDENTIFICATION IS APPROVED, THE SERVICE CONCERNED OFFERS TO EXPLAIN THE IDENTIFICATION TO THE FAMILY. ADDITIONALLY IN THOSE CASES WHERE THE IDENTIFICATION IS QUESTIONED BY THE NEXT-OF-KIN, THEY ARE PROVIDED THE OPPORTUNITY TO OBTAIN A PRIVATE REVIEW FROM WHATEVER SOURCE THEY DESIRE AND TO HAVE THAT INPUT CONSIDERED BY THE ASGRO.

THE COMMITMENT OF THE U.S. GOVERNMENT TO ACHIEVE THE FULLEST POSSIBLE ACCOUNTING OF AMERICAN CITIZENS MISSING IN SOUTHEAST ASIA IS FULLY SUPPORTED BY THE U.S. ARMY. THE DEDICATED PROFESSIONAL PERSONNEL INVOLVED IN THE SEARCH, RECOVERY AND IDENTIFICATION MISSION PLAY A VITAL ROLE. THE U.S. ARMY IS VERY PROUD OF THE CENTRAL IDENTIFICATION LABORATORY, ITS OUTSTANDING STAFF, AND ITS ACCOMPLISHMENTS.

I HAVE APPRECIATED THIS OPPORTUNITY OF APPEARING BEFORE THE COMMITTEE AND SHALL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

HUTCHENS & WAPLE
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FAYETTEVILLE, NORTH CAROLINA 28303
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H. TERRY HUTCHENS
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*VIRGINIA BAR ONLY

CAROLINA BEACH OFFICE
A-3 PLEASURE ISLAND PLAZA
CAROLINA BEACH, NORTH CAROLINA 28428
(919) 458-4808

February 28, 1986

PLEASE REPLY TO:
P.O. Box 650
Fayetteville, NC 28302

The President of the United States
The White House
Washington, D.C.

Dear President Reagan:

We have requested that U.S. Congressman Bill Hendon deliver this letter to your office personally because of its serious and emergent nature. Major Mark Smith has been allowed to return from an unfriendly foreign government with an offer, by those who are in control of the evidence of Americans in captivity, to allow others to see the film referenced in my earlier letter of 27 January, 1986.

Major Smith states that those in control of this evidence have agreed to allow United States Senator DiConcini, U.S. Congressmen Bill Hendon and Bob Smith to view this evidence at a location somewhere in a foreign country. After these three representatives have had the opportunity to view the film and are satisfied with the validity of the contents, they will be required to pay the sum of 4.2 million dollars in cash and take receipt of the original of the film and other evidence of live Americans and other allied POWs still being held in Southeast Asia. They will be permitted to return to the United States with all evidence.

The specific details of how this will be accomplished can be further outlined at a meeting to be held as soon as possible at a location satisfactory to all concerned. Those who control access to this evidence have required Major Smith to obtain a commitment to this proposal from the United States not later than the 3rd of March, 1986.

Those in control of this evidence also require that Major Smith, the three Congressional representatives mentioned above be provided a U.S. commercial airliner with the authorization and capability to depart from Los Angeles International Airport and to fly to a destination in Southeast Asia to be determined at a later date by those in control of the film. One of the pilots of the airliner must be selected by Major Mark Smith and the

remainder of the crew may be selected by the United States Government as long as they are under deep civilian cover. Major Smith is convinced that U.S. military aircraft and overt military personnel may not be utilized or this opportunity may be lost forever.

All monies are to be carried by the Congressional representatives and are to be released only after they are satisfied that they have seen the film and have it in their custody. We await your response.

Respectfully,

HUTCHENS & WAPLE

Mark J. Waple

MJW/hf

OPENING STATEMENT FOR THE VETERANS' AFFAIRS COMMITTEE HEARING
WITH (RET.) MAJORS SMITH AND McINTIRE
Senator John D. Rockefeller IV
July 16, 1986

Mr. Chairman and Senator DeConcini, I simply would like to express my appreciation for your diligent effort to pursue the question of whether there are still any missing Americans in Southeast Asia. I have followed this Committee's work closely and know that you, your staffs, and other members of both the House and the Senate have devoted countless and sometimes frustrating hours to trying to establish the truth. Today, I hope we will be able to make tangible progress in determining whether certain claims about "live sightings" appear to have validity.

Issues regarding MIAs and former POWs in Vietnam, Laos, and Cambodia are troubling to me. I am certain that this hearing, which is the sixth in a series held by this committee, will make a further contribution in airing these issues and reaching some consensus on how to pursue them. The Administration has demonstrated its commitment to maintaining an active role in doing what it thinks is possible to bring home any living Americans or remains -- if they are located. My hope is that this committee will soon draw conclusions about our findings

based on the hearings we have held, and turn to working with the Administration, private groups, and other interested parties to complete this process in an effective manner.

Again, thank you Senator Murkowski and Senator DeConcini for your fine leadership and dedication to these compelling issues. I pledge to help in whatever way possible.

July 16, 1986

Statement of the Hon. Bob McEwen
Senate Veterans Affairs Committee
POW/MIA live-sighting hearings

Thank you Mr. Chairman. Once again, I would like to express my appreciation to you for the opportunity to participate in this series of hearings on Americans still missing in action from the Vietnam War. I look forward to receiving the comments of those here today on this issue.

When we began our investigation of those Americans who are still unaccounted from the Vietnam War, we went forth seeking the truth.

During our discussions with officials of the Government of Vietnam, our congressional delegation sought truthful answers to our questions regarding the live-sighting reports of Americans in their country.

During the series of hearings which you have conducted over the past six months, we have sought the truth from the many witnesses who have appeared before this Committee.

Today, we continue on this course.

As members of Congress, we want to do what is right, and we are committed to resolving this issue. The families of those Americans still unaccounted for deserve our strongest action and enduring commitment to this goal.

Again, let me say that I look forward to the remarks of Mr. Smith and Mr. McIntire this morning.

Thank you, Mr. Chairman.

WRITTEN TESTIMONY OF THOMAS V. ASHWORTH

My name is Thomas V. Ashworth and I'm from Fort Smith, Arkansas. I served my country as a Marine Corps Officer and as a helicopter pilot in Vietnam. I also flew secret missions inside Laos - the records of which were falsified to protect the secrecy of the operation. I was released from active duty as a captain of Marines.

For more than nine years following Operation Homecoming, I believed there were no living Americans held by the Indochinese Communists. The few live sighting reports I heard while listening to news broadcasts were not impressive. I was certain that if there were captive Americans held in Southeast Asia our intelligence services would be aware of the matter and our political leadership would effectively act as legally required to gain the freedom of any hostages the Communists might be holding.

I began to question what would prove to be my uninformed and naive presuppositions in the fall of 1982. By that time, I had spent over 6,000 hours working with, assisting in some way, or just being with Hmong people. It was only after this six year association that I first heard of live American prisoners being held in Laos after 1973.

My first information was received in the fall of 1982 from a Hmong friend who I casually asked if he had ever heard of Americans being held in Laos. I asked the question shortly after hearing a radio news broadcast about a live sighting report. To my surprise my friend replied, "Oh yes, a friend of mine saw over one-hundred Americans in Sam Neua in 1975 before he escaped." I was given the general description of the sighting report. I was also advised that the Hmong who had seen the Americans was living in California under an assumed name. I would later be given an eyewitness report that the man had attempted to tell the resident CIA operative at the Ban Vinai refugee camp about the sighting. The CIA agent, Jerry Daniels, had told them to keep quiet and said, "Don't talk to me about the American prisoners. It gives me a headache. Don't ever talk to me about them again." This was in early 1976 when the House Select Committee on Missing Persons in Southeast Asia was conducting hearings on the MIAs.

I also have another first hand account of Jerry Daniels telling a person who claims to have seen live Americans to forget the information. Because of "Jerry's" attitude, few Hmong have been willing to speak of their knowledge of live Americans. It is my understanding that the JCRC now makes a show of seeking sighting reports. Unfortunately, persistent rumors in the Hmong refugee camps warn the refugees that they will receive severe retribution if they talk about U.S. prisoners held in Laos or any other sensitive matter. Consequently few are willing to talk to official Americans about live sighting reports.

A second report I received came from a friend and employee who fought in Laos until 1979. After his resistence group surrendered to the Communists, his group was told by a North Vietnamese soldier that they should not try to run away or they would be put in prison and kept "forever" just as the Americans were being held. The North Vietnamese soldier also bragged that he personally had recently been a guard at a prisoner of war camp which held Americans. These statements were made by the Vietnamese soldier in early 1979.

A third Hmong told me that he had personally seen two "whites" being held captive in Xiengkhouang Province during 1979. This man, a former officer in the CIA's Special Guerilla Units (SGUs) was supposedly captured in 1975 and held until he escaped in about early 1979. Besides the first-hand information he also had

second-hand information. I felt somewhat comfortable with the essence of this man's information because I had a friend who lived in a resistence village which became the home of the escapee. According to Tu Kue, who was a resistence fighter until 1979 and the son of my best Hmong friend, the escapee came to his village and told of seeing Americans and of being the object of medical experiments. He later told the same stories in Thailand and in the United States.

I passed the substance of the above information to the League of Families in about January 1983. I was told that DIA would contact me. About six weeks later I was called by a Mr. Lloyd Nash. I eventually had two conversations that day with DIA analysists - Nash and a Michael Burns. These men supposedly were the two experts who worked the "Laotian desk." During our conversations I became concerned about their lack of knowledge of the refugees from whom they were supposedly eliciting information. A few examples include:

(1) One or both officers claimed to have no knowledge of the fact that a significant percentage of the Hmong refugees had gained entrance to the United States by in some way falsifying information. I estimate that at least 30 percent of my friends have falsified information which they gave to U.S. immigration officials in Thailand. How can polygraph information be valid when the person with sighting information often has to hide personal information?

(2) There was no Hmong interpreter to work with the Hmong people. The Hmong are a naturally suspicious and secretive people. They seldom trust outsiders especially ethnic Lao, who are oten ethnically prejudiced against the people they call the "dirty Meo" - a term analogous to saying "dirty nigger." (It is my understanding that DIA later hired a full-time ethnic Lao interpreter to work with the Hmong and other Laotians)

(3) The analysts also seemed unaware of the great stress experienced by the average Hmong refugee, their tremendous fear of authority figures, and the fact that scores of Hmong regugees had died suddenly in their sleep for no apparent reason. I had always thought that you needed to understand and be knowledgeable of people one dealt with professionally. I was surprised that the intelligence officers felt they could work effectively, openly and successfully with people about whom they seemed to have so little knowledge.

In short, my first contact ended in an unsatisfactory manner. One of the agents said that it sounded as if the Hmong "are just blowing smoke up your ass", and there seemed to be nothing to the three reports I had given them. I protested that the man who had supposedly seen the "100 Americans" lived in California and could be found although it would be "difficult" and would require effort. The DIA analyst was not impressed. He did not want to follow-up with either of the second-hand informants. He did agree that the one man should be interviewed.

By the end of May 1983, a Hmong friend who was a high ranking intelligence officer had informed me of the substantial information in the possession of the CIA which concerned a large number of sighting reports of an estimated 200 to 300 Americans who were held at a place called Nakay (also called Sam Neua Caves, Ban Nakay, Ban Nakay Neua and Ban Nakay Teu). He claimed that this was the only permanent holding facility for Americans in Laos although small numbers of Americans were held temporally at other locations. He claimed that their information had been very substantial - especially during the 1960's, but had decreased in volume and scope during the early 1970s after they had been forced to abandon a nearby safe site from which an intelligence team, a Controlled American Asset or CAS Team had worked from 1966-1970.

According to this man the information was so substantial that the CIA had begun planning a raid to free the Americans by the late 1960's. Vang Pao, he said, was offered $5 million in reward money if his men pulled off a successful raid. Commandoes were supposedly trained at Pha Khao. While the men were not aware of the object of their training, the officer in charge had been advised that

he was preparing his men for an operation designed to free the Americans.

Live sighting reports on the American prisoners held at Nakay supposedly came from these sources:

(1) Captured enemy personnel who had seen the Americans.
(2) Enemy personnel who had seen the Americans and had "rallied" to the Royal Lao Government side.
(3) Civilian refugees from the area who had seen the Americans.
(4) One or more soldiers (Hmong) who had been captured, held near Nakay, and later escaped after seeing the Americans.
(5) A spy who had inserted in the area during the mid 1960s and who later provided information on the prison camp where the Americans were held. According to this man who supposedly had close contact with prison officials, the majority of the prisoners had been captured in Vietnam, the next largest group was from Laos, and one or two had been captured in Cambodia.

Overall information indicated that the Communists were making an attempt to keep the Americans alive. There was no significant number of executions. Furthermore hospital facilities were located very near the prison. There was no reason for the prisoners to die because of the lack of medical care. Treatment of the prisoners, however, was sometimes extremely brutal. On the other hand, prisoners were allowed to exercise or play various sports in the large prison compound which surrounded the cave entrance.

My informant stated that the existence of the camp was confirmed by aerial photograph and active steps were taken to ensure that the American POW compound was not bombed in order to protect the Americans. The information concerning the bombing practices was later confirmed by a DIA analyst.

The cave which housed the Americans was a very large cave. Huts were constructed inside the cave to house the prisoners. Spring water ran through the cave, and there were electric lights. Long term survivability was a definite possibility.

General Eugene Tighe, a former director of DIA, has told me that an aerial photo of Nakay showed people with "caucasion features" playing volleyball or soccer at the prison camp. DIA analysists, however, dispute the General. According to one analyst, the photo was "non-specific" in relation to race of the individuals. Retired General John Singlaub, former Commander of SOG operations and other secret activities in Laos, has read a fifteen page description I wrote of the Hmong intelligence operation and the Nakay prison camp. He has stated in writing that my material conforms to his knowledge of that area of Laos and intelligence activities in that area.

Shortly after hearing of Nakay I was again contacted by Defense Intelligence Agency personnel. The apparently had waited approximately one month to contact the man who supposedly had seen two Americans in 1979. Unfortunately he had moved and they could not find him. They asked me to try to find his new address and telephone number. This I easily did using my contacts. The man was interviewed approximately three months later and again during 1984. I later asked him how the interviews went. He told me he was treated as an enemy, the interpreter was not trustworthy and that a DIA analyst had told him that I was a Communist. I would later discover that this was normal procedure for the DIA. I can provide substantial information on DIA tactics if anyone is interested.

During June 1983, I had numerous conversations with various intelligence personnel concerning Nakay. I felt that the DIA should attempt to check the veracity of the information. They eventually asked a contact of mine, General Vang Pao's chief intelligence officer, to write a letter describing his knowledge of Nakay. This enraged me. The man has ten years of knowledge about Nakay and can barely write English. Again typical mishandling by the DIA. I contacted Ann Griffiths and told her of my frustrations and she said she would go to her contact

in the White House. Ms. Griffiths later asked me to cooperate with DIA and to speak to Col. Mark Richards who headed the DIA's POW-MIA Division.

I called Richards and he informed me that DIA would follow-up on the Nakay information in six weeks or so. This is top National priority?

I called Ann Griffiths back to explain my frustration. She told me that she more than understood my feelings. But, she said, DIA was preparing for the League of Families' annual meeting and should have more time in six to eight weeks to follow-up on the Nakay information. She did say that she would once again speak to her contact in the White House.

Because of the seriousness of the matter, I decided to follow-up myself. I was determined to talk to Vang Pao's former chief of intelligence; a man who had worked on a daily basis with American CIA operatives for fifteen years during the 1960s and 1970s. He was a close relative of some of my best Hmong friends. Nevertheless he refused to talk to me over the phone about American prisoners held in Laos. He said that the matter was too sensitive and that he would talk to me only in person or he would talk to American intelligence officers. Since the DIA was dragging its feet on the matter and I had come to doubt the sincerity of their effort, I decided to go see this man. (DIA later made an appointment to meet with this man and several others. Without explanation all interviews were later cancelled) I traveled to Providence, Rhode Island and spoke for several hours with the man. He confirmed the information I had received earlier concerning Nakay. I was deeply concerned and expressed my concern to Ann Griffiths. I told her that I could not understand how this could have happened. "Why", I asked, "didn't the CIA pass the information to our leadership." Ms. Griffiths replied, "No, that's not what happened. A person who was a top administration official at one time, told me that a high level decision was made to leave the Americans held in Laos." I was dumbfounded.

While in the Northeast, I turned down a personal invitation from Col. Mark Richards for me to be the recipient of a "grand tour" of DIA. I returned to Arkansas, made an additional contact with a Hmong intelligence officer who also confirmed my previous information on Nakay and other related matters. I later wrote a memo to Col. Richards outlining my information on Nakay.

Ann Griffiths then wrote me and explained, in effect, that it wasn't appropriate for me to send that kind of information to DIA. They needed current information, she stated.

By that time I was attempting to get "current" information. I had traveled to California to see my old acquaintance General Vang Pao. I informed him that George Brooks had assured me that the MIA problem had become the nation's highest [redacted] priority. General Vang Pao laughed at me. He told me that he had told American intelligence officers many times about the Americans but nothing was ever done. I told him that I had been assured everything had changed. He was not impressed but agreed to cooperate with DIA if they would contact him. He told me that he did not at that time, July 1983, know an exact location. He did, however, state that he knew a general location of an active POW camp for Americans, and he drew the area out on a map for me. He claimed to have last known of an exact location of a POW camp for American prisoners in June of 1982, and before that, in May 1981.

I returned to Arkansas and relayed the information to Carol Bates who works for DIA. I asked them to contact General Vang Pao. She was non-committal. Moreover she seemed unimpressed with General Vang Pao, but did ask if he claimed to know a specific camp location. I told her he claimed to know "a general location."

Other than attempting to establish contact between Vang Pao and the DIA, I was not to be involved in the matter. I was not going to work with Vang Pao and

and I was not going to work with the DIA. I was just trying to get the DIA to pay attention to a man with important contacts in Thailand, Laos and other critical areas. I later called Vang Pao at his home to see if DIA had followed up with him. They had made no contact with him. I bitterly complained to Ann Griffiths about DIA's failure in this regard. She checked the situation out and wrote the following to me in an October 11, 1983 letter:

> As of utilization of Vang Pao, his political contacts and involvement as well as residence in the U.S. rather than on the scene are all problems which need not be faced when there are numerous individuals with as great or better contacts in the nationalist Lao community. Should Vang Pao wish to be helpful, he definately knows who to contact in Washington, D.C.

So much for follow up with Vang Pao. Col. Mark Richards later responded to my criticism by stating that the DIA checked out "even the thinnest" of leads. Speaking of me, he went on to say, "Any time we had any type of report we had unlimited resources and were doing everything we could to check them out." Richards then stated that many of my leads turned out to be "false stories."

This is a most interesting situation. DIA supposedly had checked out "even the thinnest" of my leads without talking to the people involved. People whose names DIA did not even have in several cases. For certain, someone is telling "false stories."

By October 1983, I had developed information concerning disaffected Pathet Lao officials who might work on securing information on the American prisoners held in Laos, and more importantly, on the supposed exact location of an active POW camp in Laos which held a large number of Americans. The information was based, in part, on a recent live sighting. Other, more sensitive information tended to confirm the validity of the existence and location of the camp.

By this time I had little confidence in the DIA, but was determined to play it straight and hope against hope for the best. My cautious optimism, however, would prove unfounded.

On the first Monday in October 1983, I called Carol Bates to tell her of a current location of a POW camp holding a lot of Americans in Laos, and of potential contacts with "the Communists." She wanted me to write her a letter about this sensitive information. I agreed. I was not to be involved except to write the letters and possibly to verbally encourage cooperation between my contacts and the DIA. But it should be noted that one of my contacts, who had beenalong-time, school trained CIA asset, was skeptical of the intentions of our intelligence people, as were his contacts in Thailand. Their first choice was to work with two CIA agents whom they considered personal friends. Unfortunately one of the men was dead and the other was supposedly severely injured. This was the reason I was contacted concerning this current live sighting report. Being a very close friend of relatives of the man, I was trusted. He was relying on me to make the contacts with our intelligence people. I had hoped that he would become comfortable with the DIA people once he met them and I could get on with my life without having to worry about my comrads who had been left behind so many years ago.

In dealing with my contacts, I always attempted to inform them of my every step. I believe that close and exact communication is a requirement if sensitive and potentially complicated human relationships are to be successfully conducted. Consequently I attempted to contact my two informants concerning the two letters I was to write the DIA,and to inform them of my every move. Two days later I had been unable to contact my most important source of information, the one who knew the exact location. I then decided to call Carol Bates to tell her that I was having trouble with the one contact and would send the letter as soon as possible. I wanted them to know that I wasn't playing games, that I was doing the best I could. The call, however, was never completed. The operator was bruskly told that the DIA would not accept calls from me. Again I was shocked. I called my Congressman's office and complained about the DIA refusing to follow-up on a current location of a POW camp in Laos - a camp which held live Americans.

My congressman's aide, a Mr. Reed, replied that I shouldn't be doing things that gave "false hopes" to the families of the missing.

I later called my Hmong source to tell him that no one at the DIA would talk to me. I asked him if he would work directly with the DIA. He said "no". I did not contact the DIA for the next two years and they never contacted me.

I believe that this potentially significant opportunity to gain critical information on living American prisoners of war, then currently held in Laos, was intentionally mishandled by DIA. I can see no other possible explanation although I was told by one DIA official that the reason they didn't follow-up was my fault - that I had not sent the letter and they therefore had no obligation to follow-up the then current information on an active POW camp holding Americans.

Today Brian Bonnet of your staff informed me that he had heard that the DIA did not follow-up on my information because I was trying to insert myself in the process. This is not true. I can prove by taped conversations that (1) I told Carol Bates that I was not asking for money and (2) that I asked my most important contact to work directly with the DIA without my being involved.

To briefly recap: Past or present DIA officials have claimed that:

1. They followed-up on my information but they were "false stories."
2. They did not follow-up because I did not send them a letter and that, in essence, following up on the live sighting report was my responsibility not theirs.
3. They did not follow-up because they did not like for me to butt-in on their business.

Concerning Vang Pao:

1. I was told by a DIA official late last winter that they did follow-up on the information by contacting Vang Pao's sources who they knew without having to consult with Vang Pao.
2. The above explanation is only slightly at variance with Ms. Griffiths contentions that the DIA had better sources than Vang Pao in Thailand.

Interestingly, Vang Pao now works in Thailand with Thai intelligence - according to various knowledgeable sources. Additionally, Vang Pao, according to a recent AP story was offered $1 million to work on a project supporting the Contras in Honduras.

On October 21, 1983, I wrote Ann Griffiths in an attempt to gain her assistance in getting someone to follow-up on the current information. A little less than six weeks later she replied and stated that she was "unaware" of my having spoken to the DIA about "the precise location of a POW camp." She also questioned me about what I intended to do concerning the possible contacts with "the Pathet Lao leadership." And, in response to my criticism of the CIA and its handling of live POW information, she wrote, "There is little question that what you are reporting about the CIA was valid at one time." What was not said was that what was once true is still true.

Just before I received Ms. Griffiths' December 1, 1983 letter, an active duty Air Force Lt. Col. attempted to check out my information. He listened to me for awhile, told me that I sounded very convincing but that he knew there was "only one chance in a thousand" that there was anything to what I was saying. He was about to hit a long shot.

On or about December 5, 1983, this Lt. Col. had two telephone conversations with Colonel Mark Richards, the OIC of the DIA's "POW-MIA" Division. Briefly stated, the first call consisted primarily of Col. Richards informing the Lt. Colonel that, while he did not question my integrity or intentions, I was "nuts." Col. Richards asked the Lt. Colonel for the telephone number of the informant who had told me of the exact POW camp location. I followed the Lt. Colonel into a nearby room where earlier he had written the telephone number on a "chaulk board." I strongly objected to the Lt. Colonel giving the telephone number to Col. Richards.

The Lt. Colonel stated that Colonel Richards had maintained that they had followed-up on everything I had ever passed to the DIA, but there was nothing to any of it. I said, "If they followed-up on everything then why are you giving them (the man's) telephone number?" Obviously, if they had followed-up with my sources then they would already have their telephone numbers. I then mentioned the DIA's failure to follow-up with Vang Pao and Ms. Griffiths' explanation of why there was no follow-up. I also offered to play my tapes of my conversations with the DIA. The Lt. Colonel then informed Colonel Richards that the telephone number had been misplaced and that he would call him back in a few minutes.

We then discussed the matter in some detail. The Lt. Colonel seemed to accept my point of view and called Richards back to tell him that the telephone number had been misplaced. What ensued was an approximately ten minute conversation. I heard about nine minutes of one side of the conversation. I purposedly left the room for approximately one minute in order to let the two officers speak in private if they so desired. I had done the same thing during the earlier conversation.

When the conversation was concluded, the Lt. Colonel seemed stunned. He then began to tell me in detail what was said. I would return home within the hour and write detailed notes of the conversation. The following information is from those notes.

Richards stated that he probably should not have said that I was nuts, but that I was really "red, white and blue", but in over my head. He then said that he shouldn't be talking but he nearly had his thirty years in and what were they going to do to him? I had the feeling from what was being said that Colonel Richards was planning on retiring before too long. Richards went on to say that he had a "SI" clearance and was cleared to work with the President on the matter. He did not, to my knowledge, say that he had ever worked with the President - only that he was cleared to work with him.

Richards then began to tell of sensitive information about Laos. According to Richards, they knew where the American POWs were being held in Sam Neua. He claimed that the camp was being monitored both by a ground team and a satellite. He said that, while the ground personnel had not personally seen the Americans, they did know the POWs were there. The satellite photos of the prison camp were "almost good enough to read a newspaper from them."

Nevertheless, I was told, the American prisoners could never be brought home publicly. Past government mistakes precluded openly bringing the men home. I interrupted the Lt. Colonel and said, "Did Richards say that?" "Yes" was the reply. I was once again dumbfounded.

Richards, however, did say that the Government was concerned about the men and that no expense was being spared. I was told that the prisoners would "be taken care of." At the time, I totally rejected what I heard next. I was told that some of the prisoners would be brought home secretly, paid off and kept from talking. I told the Lt. Colonel that I did not believe this would be possible. He stated that it would. I asked how everyone - mothers, fathers, brothers, sisters, old buddies, etc. - would be kept quiet. I then dropped the matter.

I later said, "What you're telling me then is that I'm in jeopardy." He said, "No, you're one of the good guys." "Good guys, hell," I thought. I replied, if the POWs can't be permitted to talk because of the trouble that it would cause for the country, then they would have to somehow keep me quiet. The Lt. Colonel then said that they would say that I was nuts to everyone I talked to and no one would believe me. The Lt. Colonel then said that they would never work with the old Hmong leadership. He stated that the Hmong were Communists and could not be trusted. I said, "Then what I've been telling you is all true." He replied, "Yes." He mentioned again that no one was questioning my motives or honesty.

The Government's fallback position, he said, is that I'm a nut if I pursue the matter. I understood this to mean that I would somehow be dis-credited if I pursued the matter. The same policy applies to anyone who gets too close to the truth.

END OF WRITTEN TESTIMONY

The latest instructions I received from Senator Murkowski on August 4, 1986, requested that the testimony I am submitting "be limited to specific information pertaining to missing Americans purported to be in captivity as a result of our military involvement in Southeast Asia. I have attempted to adhere religiously to these instructions by submitting information which deals with specific live sightings as noted below:

1. The Hmong information on Nakay is based on numerous live sightings.
2. My origional three informants gave me specific information based on live sighting reports.
3. General Vang Pao's information was based on a live sighting report.
4. The information on the current location of a POW camp for Americans in the fall of 1983 was based on a live sighting report.
5. The information from Col. Mark Richards is based in large measure on live sighting reports - the satellite photos.

Respectfully submitted,

Thomas V. Ashworth

Thomas V. Ashworth

WRITTEN TESTIMONY SUBMITTED TO THE SENATE COMMITTEE ON VETERANS' AFFAIRS
HEARING ON THE SUBJECT OF LIVING AMERICAN PRISONERS OF THE VIETNAM WAR

SUBMITTED BY: JOHN M. NEVIN
AUGUST 12, 1986

Mr. Chairman, and members of the Committee, I want to express my appreciation for the invitation to come here today to present my views on the subject of living American prisoners of the Vietnam War. I hope to enlighten this Committee as to the reasons why so many people from the private sector who are knowledgeable on this subject are so sure that living American prisoners of the Vietnam War remain in Southeast Asia today, and why we are so sure that individuals within the United States government are not proceeding responsibly with the effort to bring those men and women home.

Before I continue with my testimony, Mr. Chairman, I think it is necessary to clear up what I hope is merely a misunderstanding. Only 48 hours before the time you had asked me to present to your staff my written testimony for this appearance today, I received a follow-up letter, purportedly signed by you, which completely changed the groundrules governing the kinds of testimony which would or would not be considered by this Committee. The letter said,

> "I have convened these hearings to provide a forum for any individual to present information or evidence he or she may have relating to specific live sightings of American servicemen in Southeast Asia. I therefore request that the testimony you present to the Committee on August 12th be limited to specific information pertaining to missing Americans purported to be in captivity as a result of our military involvement in Southeast Asia."

I noted that the letter was not signed by the same individual who signed the original letter of invitation I received from this Committee, although each were signed "Frank Murkowski" -- the signatures were quite different. Also I noted that the two letters were not typed on the same machine or printer. Further, when I received the second letter, it had been slit open on the end and resealed with cellophane tape. Although the letter was sent "Registered", I am told that it is contrary to postal regulations to accept any such letter as "Registered" mail if it has been opened and resealed. Last, the message in the letter, as I have read to you, attempted to direct my testimony to the narrow question of specific live sighting information, which

is clearly contrary to your own statements of the purpose of these hearings, and the content of much of the testimony of previous witnesses, most notably the witnesses which represented The Veterans of Foreign Wars, The American Legion and the Disabled American Veterans, who were most clearly not directed to address their comments to specific live sighting information, as they never at any time alleged any knowledge of such evidence. Because of these discrepancies, I strongly suspect that the letter may have been fraudulent.

Mr. Chairman, I would like to ask you, did you author or direct the sending of that letter?

Mr. Chairman, in your opening remarks in the first of these hearings on January 28 of this year, you indicated that you are troubled by the numerous reports and claims that American servicemen are being held captive in Vietnam and Laos. You also said, "...equally disturbing, are the allegations that this country has not done everything in its power to secure the release of these individuals". You went on to ask what possible motivation this government might have in restricting or impeding its efforts to fully account for these missing soldiers. You said, "I have yet to be presented with any material or information that would lead me towards that conclusion."

In that vein, Mr. Chairman, many of the private sector witnesses who have appeared before this Committee have made various allegations regarding the existence of a U.S. government cover-up on the POW/MIA issue. Representatives of the Administration and other witnesses, including Congressmen Gerald Solomon and Benjamin Gilman have, at great length, denied that there is any possibility that a cover-up exists.

Mr. Chairman, I am prepared today to present direct evidence that a cover-up does, in fact exist. I am prepared to demonstrate that President Nixon and Dr. Henry Kissinger misrepresented relevant facts to the Congress and the American people. I am prepared to demonstrate that our present Ambassador to the United Nations, Vernon Walters misrepresented the facts to a Committee of this Congress which was charged to investigate this issue. I am prepared to demonstrate that Assistant Secretary of Defense Richard Armitage, as well as then Assistant Secretary of State, now Ambassador to Indonesia, Paul Wolfowitz, both under oath before this Committee, failed to be fully truthful.

I am prepared to show how these untruths and half-truths have been used, why they have been used and how and why they clearly demonstrate the existence

of a cover-up today.

If you should choose to require that my testimony be directed solely to information "relating to specific live sightings", I am prepared to confine my remarks to that subject, but I assume that if you want the truth of this issue you will question me about the cover-up assertions I have made.

TESTIMONY DIRECTLY RELATING TO SPECIFIC LIVE SIGHTING INFORMATION

In July of 1985 I personally interviewed a Vietnamese refugee who alleged that he was a former ARVN Colonel who was subjectd to "Re-education" in June of 1975 and remained a re-education prisoner in North Vietnam until early 1980.

I have been told by other members of the Vietnamese community in which he lives that he is a respected member of that community. I cannot conceive of any possible motivation he might have had to misrepresent the truth to me, as he never indicated any interest in being rewarded in any way for his cooperation.

For the purposes of this open hearing I will refer to this individual by the pseudonym of Col. Lam. I will also delete certain locations and identifying characteristics of the areas I will refer to from Col Lam's information.

While in a re-education camp in North Vietnam from 1976 to 1978 Col. Lam saw almost every week an American who was not held in a classic captive environment, but whose movements were apparently controlled, as he was always accompanied by a Vietnamese guard. This American was used to repair American trucks ("GMC trucks confiscated from the South"). Lam provided a rather detailed physical description of this man who was called by the communist cadre "Tang Nam".

In mid-1976 Col. Lam was moved to a camp which he says that he and his fellow prisoners felt sure had recently confined about 40 Americans. But, "They move them away and keep them roving". The number he determined by the sleeping mats which were in the barracks, and the recentness by the condition of the mats and the roof. That they were American he was sure because of English writing on the walls. Col. Lam was able to read English at that time, but if there were names or dates, he does not remember. He said, "no names, no dates, just they write, like joking". The walls were of clay and straw mixed to make a building material apparently similar to adobe. The English writing

was done with charcoal, and Col. Lam expressed his opinion that the writing would not remain legible for a very long period of time.

In another camp in which Col. Lam was confined in 1978-79, he and his fellow prisoners also saw what they believed was direct and recent evidence of the former presence of a substantial number of American prisoners. They found a large number of used razor blades which were rusted, but not badly so. He explained the significance of the razor blades, "...we don't have the razor blades at all... we use the knife to..." Also they found remnants of worn out clothing in what to them seemed to be very large sizes. "..worn out clothes, torn down clothes, big size, very large size. Pajamas, very large with long stripe." He also explained that re-education prisoners did not wear striped pajamas, they wore their own clothes.

Col. Lam was released in 1980, "because of very thin ability to live... very, very sick. And they did not think, is not interesting to keep me longer." After almost a year in Saigon, where he described conditions as being very bad, he went to the southern coast of Vietnam where, with 26 other adults and their children, he put out to sea on a small boat hoping to reach Thailand. The boat was captured by pirates, several of the women were raped, and one of the pirates threw Col. Lam down and tore out a gold tooth. Ultimately the group did reach Thailand in late 1980. Col. Lam was placed in Song Khla refugee camp, from which he wrote U.S.Embassy, Bangkok about the information he had relating to American prisoners. A few months later he was contacted by an Embassy officer. He was told that the lone American he had seen on many occasions between 1976 and 1978 had been returned to the U.S. (Col Lam's physical description of the man seems highly unlikely to be that of Robert Garwood.)

Col. Lam was later transferred to a refugee camp in Indonesia where he was visited a second time by the "Embassy officer". Lam was shown a picture of an American and asked if this was the man he had seen in North Vietnam. Lam could not identify the picture. Shown a 1979 picture of Robert Garwood, Col. Lam said, "No...but he is very fat, and no beard" (Garwood weighed 155 pounds when the picture was taken that Col. Lam called "very fat".)

Regarding Col. Lam's information, I can provide to the Committee, not for public consumption, specific information regarding camp locations and camp names or numerical designations, which Col. Lam says he can pinpoint on a suitable map. He says he can identify also the exact location of the home of

an American now living in Vietnam, whom Col. Lam believes was formerly a prisoner but is now living freely. Also, the exact location of 17 tombstones which Col. Lam and a group of fellow prisoners were sent to whitewash in 1976 -- graves which he was told by communist cadre were those of Americans.

Mr. Chairman, I think that by for the most important part of Col. Lam's story is one that those of us who have been actively involved in this issue have heard over and over again -- and that part of his story relates directly to live sighting information. It does not relate to live sighting information that has been reported, but to what I am sure is a vast storehouse of information that has never been tapped -- those refugees who have never been questioned about this subject.

When Col. Lam was asked whether he was ever questioned about American prisoners during the 16 months he was in the refugee camps, he responded, "No. They never ask me except when I wrote my letter to the U.S. Embassy and three months later a man come to see me". Asked whether he had heard loudspeakers soliciting information about American POWs or seen posters or Americans asking questions, he said, "No. I think it's a mistake, too....the United Nations commission come to Thailand to process refugees...but no American at all. Only when the refugee says he wants to resettle to the United States...will the man from the U.S. Embassy in Bangkok come to interview and they would ask about what they know about the Americans missing in action in Vietnam."

Mr. Chairman, I think it is notable that we have often heard from U.S. government officials that many of these refugees claim to have information about American prisoners only because they think it will enhance their opportunity to emigrate to the U.S. According to this refugee, who was in the camps for 16 months, he saw no USG effort to interview anyone who had not already expressed a desire to emigrate to the U.S. If there is this skepticism about the motivation of these refugees, why is there not a greater effort to interview those who have no desire to come to the U.S.?

I believe that the most revealing testimony that has been presented to this Committee was that of Lt. Col. Paul Mather of the Joint Casualty Resolution Center in Bangkok. In light of the statements by General Tighe and General Perroots and others that refugees are our best sources of POW information, I hope this Committee was appropriately shocked to hear Lt.Col. Mather reveal that what he termed active solicitation of refugee information

by his organization was in fact being accomplished by only THREE individuals, who have responsibility for soliciting information from almost a million refugees in NINE countries! Highest National Priority?

In this same vein, I have been told by a person who spent several hours touring a refugee camp in Thailand, that she saw absolutely NO American presence, no posters, no flyers, no loudspeakers, no effort to solicit information that might relate to American missing or prisoners.

IS THERE A COVER-UP?

Mr. Chairman, the best and most immediately apparent evidence of a present-day coverup is revealed in the history of this issue. If we can demonstrate that a coverup existed at one time, and has never been exposed by those who know about it, then there is, in effect, a coverup today. We can demonstrate: (1) living prisoners were left behind at the time of our withdrawal from Indochina; (2) individuals in the U.S. government knew those prisoners were being left; (3) individuals with that knowledge are still in the government today but continue to deny their knowledge that prisoners were abandoned.

Mr. Chairman, the first conclusive evidence of a suppression of information, at the highest levels of the U.S. government, became available when a letter dated February 1, 1973, from former President Richard Nixon to Vietnamese Prime Minister Pham Van Dong, was declassified and printed in a State Department Bulletin on June 27, 1977. Both President Nixon and U.S. negotiator Henry Kissinger had repeatedly denied the existence of any secret agreements which had been made prior to the signing of the Paris Peace Accords which brought an official end to the U.S. military involvement in the Vietnam War. However, Mr. Nixon's letter, which was written in response to a request by Pham Van Dong for further explanation of the meaning of Article 21 of "The Agreement on Ending the War and Restoring the Peace in Vietnam", very clearly promises the payment of post-war reconstruction aid to Vietnam by the United States. In the letter, Mr. Nixon stated:

> "The President wishes to inform the Democratic Republic of Vietnam of the principles which will govern United States participation in the postwar reconstruction of North Vietnam..... These principles are as follows:
>
> 1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.

2) Preliminary United States studies indicate that the appropriate programs for the United States contribution to postwar reconstruction will fall in the range of $3.25 billion of grant aid over five years. Other forms of aid will be agreed upon between the two parties. This estimate is subject to revision and detailed discussion between the Government of the United States and the Government of the Democratic Republic of Vietnam.

"In regard to other forms of aid, United States studies indicate that the appropriate programs could fall in the range of 1 to 1.5 billion dollars depending of food and other commodity needs of the Democratic Republic of Vietnam."

In October of 1972, during the Paris negotiations, the Vietnamese had specifically asked for $4.5 billion in war reparations. Nixon's letter explaining the U.S. understanding of Article 21 of the Agreement indicates that the appropriate aid figure will be "..in the range of.." $4.25- to $4.75 billion.

On July 19, 1977, testifying before the House Subcommittee on Asian and Pacific Affairs, Dr. Kissinger was asked by Chariman Lester Wolff why the Congress was unaware of the existence of the Nixon-Pham Van Dong letter. Dr. Kissinger responded, ..."The content of the letter was testified to. It was simply as a question of Presidential correspondence it was felt that the letter itself should not be released".

This was a clear and outright deception on the part of Dr. Kissinger, but the deception went unchallenged: (1) The content had never been "testified to"; (2) The principle that Dr. Kissinger was attempting to assert was that it was quite acceptable that the communist North Vietnamese should receive such a letter from the President, and judge for themselves whether it represented a promise of reconstruction aid, but that it was inappropriate for the Congress or the American People to see it to make their own judgements as to its meaning. Such an argument is wholly without merit.

The "coverup" began even before the Paris agreement was signed. The Vietnamese were promised aid, and the American Congress and People were told that no such promise had ever been made. President Nixon later acknowledged that aid was promised to the North Vietnamese, but said that they were never given specific figures. Kissinger, however, continues to deny to this day that any promise was made.

One thing is clear. President Nixon and Dr. Kissinger could not have so incorrectly read the sentiment of the American People and the Congress to have believed that there was any possibility that such an aid package would ever be paid. In that sense, they did not consider it a promise at all. However, their intent is quite clear regarding the impression they wanted to create in the minds of the Vietnamese. An agreement could not be reached until the Vietnamese extracted a promise of "war reparations". The initial promise of aid was made in response to Vietnamese demands, and was intended as a deception of the Vietnamese. The overwhelming priority at the time was to reach an agreement which could be characterized as "Peace with Honor", to obtain the freedom of the American prisoners of war, to get the tacit approval of the South Vietnamese and get out of Indochina. The hope, apparently, was to "promise them anything", get the prisoners, and let the future take care of itself.

When the prisoners (specifically those known to be held in Laos) were not released, the deception was turned on the American People so the illusion of "Peace with Honor" could be maintained.

The importance of the truth as to whether the Vietnamese were promised reconstruction aid is that it is at the very heart of the most commonly asked question of this entire issue -- "Why would the Vietnamese continue to hold American prisoners?". They held the prisoners initially to ensure the payment of the money they believed they had been promised, and, their motivation for holding Americans has not changed to this day.

Nixon's letter to Pham Van Dong proposed the establishment of a joint U.S.-Vietnamese Economic Commission by March 1, 1973. Of the Joint Economic Commission (JEC) Nixon wrote, "The function of the Commission will be to develop programs for the United States contribution to reconstruction of North Vietnam. The United States contribution will be based upon such factors as:

(a) The needs of North Vietnam arising from the dislocation of war;

(b) The requirements for postwar reconstruction in the agricultural and industrial sectors of North Vietnam's economy.

"It [the Commission] will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The Commission will attempt to complete this agreement within 60 days after its establishment."

The significance of Nixon's proposal for the establishment of the JEC

(which was established, and did compile large and very specific lists of items which were supposedly to be supplied to the North Vietnamese in the first year of the five year plan) was that it was a very creative effort to stall... to make the North Vietnamese believe that aid would be forthcoming, and to hope that events could be orchestrated to cause the date for the release of the remaining prisoners to arrive ahead of the day for the first installment of reconstruction aid.

But the Vietnamese were not deceived. They maneuvered their "clients" in Laos, the Pathet Lao, into demanding in the cease-fire agreement in Laos, a very slow rate of foreign troop withdrawal in order to delay the arrival of the date for the release of the "prisoners held in Laos". When Nixon and Kissinger saw they had been out-maneuvered, the JEC talks were terminated, and on April 13, 1973, Dr. Roger Sheilds, Pentagon spokesman on the POW issue said for the first time "There is no reason to believe that any American prisoners remain alive in Indochina".

Mr. Chairman, that was only the beginning. I am prepared to document dozens of misrepresentations of fact made by U.S. government officials, and with somewhat more time to prepare, can probably present hundreds. I believe, however, that this Committee already has been presented with enough evidence to realize that there is something very wrong with a government that proclaims "Highest National Priority" to the POW issue, and yet pursues its resolution in a manner so obviously flawed.

To the best of my knowledge and belief, the foregoing presents a true and accurate representation of the facts.

John M. Nevin DATE: August 5, 1986

John M. Nevin
Mission Woods, Kansas

NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA
1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 223-6846

July 28, 1986

The Honorable Frank H. Murkowski
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Murkowski:

Your participation at League's 17th Annual Meeting was deeply appreciated and positive for the issue. Your support for the President's priority on resolving the POW/MIA situation was abundantly clear to all who attended.

As difficult as were the four days of the annual meeting in terms of sheer emotional, mental and physical strain, the substantive results were well worth the test of endurance. Never before have the families been given such clear choices, and the results of their decisions were obvious in the resolutions adopted (copy enclosed). Orchestrated attempts to disrupt the meeting drew roughly 10% of the attendees - remarkable given the year-long effort by the minority element. It is gratifying to see such distinct support for the current League policy, direction and strategy to resolve the issue.

Last year's annual meeting was much less definitive. This past year saw many controversies arise; nevertheless, truth was sought and the families' decisions reflected the collective common sense on which I have relied during these many years. Your responsiveness reinforced their judgement, and many individuals expressed appreciation to various League officials and members of the staff.

Congressional oversight and responsiveness onthe issue are critically important and your leadership is appreciated. Your efforts to ensure that truth is pursued are helpful, and it is hoped that the evidence claimed to prove the existence of living Americans in Southeast Asia will be made available at the upcoming hearing. At the least, it is important to expose those who make claims which cannot be substantiated, to eliminate misleading the families and the American people.

Sincerely,

Ann Mills Griffiths
Executive Director

AMG/cb

Enclosures

RESOLUTIONS ADOPTED

17TH ANNUAL MEETING

JULY 18, 1986

RESOLUTION #1

WHEREAS, the League supports the SRV's stated commitment to cooperate with the US on the POW/MIA issue separate from other issues which divide the two countries; and

WHEREAS, the League appreciates and supports the SRV's pledge to our government to resolve the POW/MIA issue within two years; and

WHEREAS, the League actively supports government to government negotiations as the only realistic way to resolve the POW/MIA issue, rejecting private, irresponsible actions which damage serious efforts; and

WHEREAS, the League considers unproductive the SRV's prior postponement of talks with the US due to actions taken against Libya to counter international terrorism; and

WHEREAS, the League rejects any attempt to use our men as political leverage which clearly violates government-to-government commitments on the humanitarian POW/MIA issue; and

WHEREAS, deliberate linkage to other issues is insensitive to the years of suffering already endured by the POW/MIA families who await word on their missing loved ones; now therefore be it

RESOLVED, that the League strongly convey to the SRV our disappointment and regret for their previous action and call on the SRV to recognize that linkage to other issues is detrimental to their national interests and a violation of solemn government - to - government understandings; and be it further

RESOLVED, that the League calls upon all veterans and the American people to join with the families in unified support for the President's efforts to return our men, thus precluding any SRV perception that divisiveness in this country over the accounting for our missing men could be used for political purpose.

RESOLUTION #2

WHEREAS, the Governments of Laos and the US have agreed to work cooperatively to resolve the humanitarian POW/MIA issue; and

WHEREAS, positive steps have been taken by both governments to achieve this objective; and

WHEREAS, the families of over 550 Americans still suffer from uncertainty and their impatience for greater results is understood and recognized; now therefore be it

RESOLVED, that the League urges the Government of the LPDR to move quickly in cooperation with the US government to expedite the return of Americans, dead or alive, still in their country; and be it further

RESOLVED, that the League urges the US government to continue to pursue the best means to obtain greater and more rapid cooperation from the Government of the LPDR to resolve the issue of Americans still missing in that country.

RESOLUTION #3

WHEREAS, 6 Americans are listed as missing or unaccounted for in the People's Republic of China and their families still suffer uncertainty over their fates; and

WHEREAS, the governments of the US and the PRC have improved relations and there is regular dialogue between the two nations on a variety of matters, including high level requests to assist in resolving this humanitarian matter; and

WHEREAS, the US government has requested access to Indochinese refugees in the southern provinces of the PRC who may have information pertaining to Americans still missing from the Vietnam war; now therefore be it

RESOLVED, the League urges the government of the PRC once again to review these cases to ensure that every possible effort has been made to resolve the uncertainty of the 6 Americans families whose loved ones are still missing in their country; and be it further

RESOLVED, that the League urges the government of the PRC to ensure immediate access by US technical experts to Indochinese refugees now residing in their southern provinces to obtain any information they may have regarding Americans still missing and unaccounted for in Indochina.

RESOLUTION #4

WHEREAS, 82 Americans are listed as missing and unaccounted for in Cambodia, and information concerning their fates has not been received; and

WHEREAS, areas in which these Americans were lost were controlled by the Socialist Republic of Vietnam during the timeframe of the incidents; and

WHEREAS, the Indochinese Foreign Ministers publicly agreed in 1984 to exchange information on Americans listed as missing and to cooperate with the US government to resolve this humanitarian matter; now therefore be it

RESOLVED, that the National League of Families urges the government in Cambodia to provide any information they may have on Americans missing in their country to Lao or Vietnamese officials to transmit to the US government or the League and subsequently to the families directly involved to end their years of uncertainty; and be it further

RESOLVED, that should this solution be found unacceptable to the government in Cambodia, that information on Americans missing in their country be provided to representatives of any international humanitarian organization for transmittal to the US government or the League and subsequent provision to their families.

RESOLUTION #5

WHEREAS, under raised intelligence priorities of the Reagan Administration, DIA's POW/MIA office has increased in personnel from 12 to 28; and

WHEREAS, the League recognizes that in past administrations, DIA 's POW/MIA operation was understaffed, had no policy-level support and was sadly neglected; and

WHEREAS, the current Director of DIA has made additional administrative and management improvements to facilitate the fulfillment of DIA's mission on the POW/MIA issue; and

WHEREAS, in addition, the Director of DIA has invited a team of noted individuals to review current procedures and investigation techniques to support the DIA's efforts; and

WHEREAS, the League considers DIA's role as a critical element in the President's overall strategy to resolve the POW/MIA issue; and

WHEREAS, the League views the constant efforts to improve DIA capabilities as a further indication of support by relevant agencies of the government for current US policy to resolve the issue; now therefore be it

RESOLVED, that the League commends DIA for building upon the upgraded intelligence priorities and resources and for seeking a wide variety of views for evaluation and possible adoption in support of the President's policy of highest national priority to resolve the POW/MIA issue.

RESOLUTION #6

WHEREAS, the National League of Families reaffirms its position that Americans are still held in Indochina, a position maintained throughout the years; and

WHEREAS, the National League of Families strongly supports the Administration's policy on raised intelligence priorities and urges immediate pursuit of every feasible avenue to confirm the position that live Americans are still held in Indochina; and

WHEREAS, the National League of Families supports the official policy of full disclosure to next-of-kin of all information which can be correlated or possibly pertains to any individual case of a missing or unaccounted for American; and

WHEREAS, the National League of Families welcomes the Army's adoption of all recommendations regarding the CIL to ensure that identification of remains are of the very highest caliber; now therefore be it

RESOLVED, that the National League of Families supports the President's high priority to resolve the POW/MIA issue as quickly as possible, including technical level meetings, joint excavations and high level negotiations in an effort to return all live POWs and obtain the fullest possible accounting; and be it further

RESOLVED, that the National League of Families commends the responsible Committee and Task Force leadership in the House and Senate for their bi-partisan support of the POW/MIA issue.

RESOLUTION #7

WHEREAS, this past year has brought increased responsibilities and pressures on the League leadership; and

WHEREAS, the dedication and commitment of the Chairman of Board and Executive Director are known and respected by the families, national veterans organizations, the US government and foreign governments; and

WHEREAS, there have been deliberate attempts to undermine the Chairman of the Board and Executive Director by unwarranted, vicious personal and professional attacks; now therefore be it

RESOLVED, the League of Families extends appreciation and support for the many years of devotion and the current and continuing leadership of the Chairman of the Board and Executive Director in efforts to return our men.

RESOLUTION #8

WHEREAS, the National League of Families condems irresponsible and vicious attacks on the League's leadership, Members of Congress, the President and others responsibly involved in resolving the issue and considers such tactics as undermining the credibility of the issue, generating divisiveness and damaging to the League's objectives; and

WHEREAS, the National League of Families continues to oppose distribution of misinformation, fraudulant fundraising on the POW/MIA issue and allegations of any nature which are made without evidence; now therefore be it

RESOLVED, that the National League of Families reaffirms cooperation with POW/MIA and veterans groups which support the League's objectives and direction for accomplishing our goals; and be it further

RESOLVED, that the Natonal League of Families rejects attempts to divide the families and reaffirms the principle of majority rule on which the League was founded.

NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA
1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 223-6846

RECENT HIGH LEVEL GOVERNMENT STATEMENTS

THE PRESIDENT: From his nationwide radio address in conjunction with the National League of Families 17th Annual Meeting, July 19, 1986:

> "We will apply every resource we can to achieve the fullest possible accounting of your relatives still missing in Southeast Asia.
>
> This is, of course, a difficult and emotional issue -- it's no secret there are those who want to promise easy solutions or even exploit this issue for selfish reasons. But we have made progress and the truth is we will continue to make progress as long as we stick with the facts and keep faith with each other and demonstrate the unity of purpose so fundamental to our cause. All Americans, after all, have a common goal in this endeavor: Freedom for any prisoner who may still be held in Southeast Asia and justice for all of the families who have worked so long to resolve the fate of our POWs and MIAs in Vietnam."

SECRETARY OF STATE: In remarks delivered by Acting Secretary of State Michael H. Armacost during the National League of Families 17th Annual Meeting, July 19, 1986, the following statement was included:

> "A great deal has been accomplished in the last few years, but we are still only at the beginning of resolving this issue. The principal question is, of course, that of living American prisoners.....We must persevere in our efforts until we determine whether Americans are being held. If they are, we must and we will obtain their freedom."

THE PRESIDENT: At the conference in Bali, Indonesia, to the ASEAN Foreign Ministers, May 1, 1986. "I would like to mention the humanitarian issue of great personal concern to me, my Administration and the American people. It is about our men still missing in action from the Vietnam war. Vietnam's recent apparent attempt to link this last vestige of the war to other issues is a great disappointment to us. We were pleased with the evident progress over the past year. It indicated Hanoi had agreed with us that resolution of this issue was in their national interest. We appreciate all that you have done to help us on this, and we hope that Vietnam will soon resume these important talks."

THE VICE PRESIDENT: At the League's 16th Annual Meeting, July 18-21, 1985, the Vice President made the following comment during his remarks:

> "The return of all POWs, the fullest possible accounting for those still missing and repatriation of the remains of those who died serving our nation -- these goals are the highest national priority.
>
> Let's be specific about what that means.
>
> In the area of intelligence, it means that the intelligence assets of the United States are fully focused on the matter of POWs and MIAs. And the Joint Casualty Resolution Center is fully staffed and funded.
>
> In the area of diplomacy, it means that all parties understand the importance of the POW and MIA issue to the American people. Every government involved understands that, as a practical matter, the American people would not allow normalized relations with the United States until we have the fullest possible accounting for our men.
>
> And, finally, top priority means that we do not rule out the possibility that American are still alive and held captive in Indochina."

THE PRESIDENT: During the lighting of the national Christmas tree ceremony on December 14, 1984, the President addressed a portion of his remarks to Americans still missing in Southeast Asia:

> "Let me add there is no one we hold in our hearts more closely than those MIAs, those missing in action in Southeast Asia, some of whom may be serving our country still. They too are absent at the table; and the gathering will never be complete until they return or are accounted for."

THE PRESIDENT: President Reagan, during the dedication of the Vietnam Memorial Statue in Washington, D.C., as part of Veteran's Day ceremonies, referenced those still missing:

> "...Also among the servicemen and women honored here today is a unique group of Americans whose fate is still unknown to our nation and to their families. Nearly 2,500 of the names on this Memorial are still missing in Southeast Asia, and some may still be serving. Their names are distinguished by a cross rather than the diamond. Thus, this Memorial is a symbol of both past and current sacrifice."

July 22, 1986